

Wheat Industry Stabilization

No. 38 of 1970

An Act to amend the *Wheat Industry Stabilization Act 1968*.

[Assented to 24 June 1970]

BE it enacted by the Queen'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 *Wheat Industry Stabilization Act 1970*. Short title and citation.

(2.) The *Wheat Industry Stabilization Act 1968** is in this Act referred to as the Principal Act.

(3.) The Principal Act, as amended by this Act, may be cited as the *Wheat Industry Stabilization Act 1968–1970*.

2.—(1.) Subject to this section, this Act shall be deemed to have come into operation on the first day of October, One thousand nine hundred and sixty-nine. Commencement.

(2.) Section 8 of this Act shall be deemed to have come into operation on the first day of December, One thousand nine hundred and sixty-nine.

* Act No. 97, 1968.

Definitions.

3. Section 5 of the Principal Act is amended by inserting after the definition of “ member of the Board ” the following definition:—

“ ‘ quota season ’ means the season that commenced on the first day of October, One thousand nine hundred and sixty-nine, the season commencing on the first day of October, One thousand nine hundred and seventy or a season declared by Proclamation under section 6A of this Act to be a quota season;”.

Proclamation of quota seasons.

4. After section 6 of the Principal Act the following section is inserted:—

“ 6A.—(1.) The Governor-General may, by Proclamation published in the *Gazette* before the first day of April in the year One thousand nine hundred and seventy-one, declare that the season commencing on the next following first day of October is a quota season for the purposes of this Act.

“ (2.) The Governor-General may, by Proclamation published in the *Gazette* before the first day of April in the year One thousand nine hundred and seventy-two, declare that the season commencing on the next following first day of October is a quota season for the purposes of this Act.”.

Delivery to licensed receiver.

5. Section 19 of the Principal Act is amended by inserting after sub-section (1.) the following sub-section:—

“ (1A.) A licensed receiver shall, in relation to the acceptance, or refusal of acceptance, on behalf of the Board, of the delivery of wheat in the Australian Capital Territory in a quota season, comply with any directions of the Board that have regard to quotas that are applicable under laws of all or any of the States providing for the fixing of wheat quotas, including a law of the State of New South Wales providing for the fixing of quotas in respect of wheat grown in the Australian Capital Territory.”.

Price to be paid for wheat.

6. Section 21 of the Principal Act is amended—

(a) by omitting from paragraph (b) of sub-section (2.) the words “ wheat for that season ” and inserting in their stead the words “ wheat of that season ”; and

(b) by inserting after paragraph (a) of sub-section (6.) the following paragraph:—

“ (aa) amounts paid by the Board in respect of expenses referred to in sub-section (3.) of section 34 of this Act shall be deemed to be costs of administration referred to in the last preceding sub-section;”.

7. After section 21 of the Principal Act the following section is inserted:—

Quota seasons.

“ 21A.—(1.) In relation to a quota season, or a season that is not a quota season but immediately follows a quota season, the last preceding section has effect as if references in that section to wheat of a season were references to wheat included in the pool for that season in accordance with this section.

“ (2.) The pool for a quota season (in this sub-section referred to as ‘ the relevant season ’) consists of the following wheat delivered to the Board (whether in pursuance of this Act or of a law of a State):—

- (a) wheat (whether of the relevant season or of an earlier quota season) delivered during the relevant season or an earlier quota season and appearing from the records of the Board to be the whole or a part of a quota that is applicable in relation to a person in respect of the relevant season under a law of a State providing for the fixing of wheat quotas;
- (b) any other wheat, being wheat of the relevant season, that is delivered to the Board during the relevant season and declared by the Board to have been sold by the Board, and paid for in full, during the relevant season; and
- (c) any other wheat, being wheat of an earlier quota season, that—
 - (i) was delivered to the Board before the relevant season;
 - (ii) was not included in the pool for a season before the relevant season; and
 - (iii) is declared by the Board to have been sold by the Board, and paid for in full, during the relevant season.

“ (3.) The pool for a season that is not a quota season but immediately follows a quota season consists of the following wheat delivered to the Board (whether in pursuance of this Act or of a law of a State):—

- (a) wheat of that season; and
- (b) wheat of an earlier season, being a quota season, that was not included in the pool for an earlier season.

“ (4.) The Board may, in such manner as it considers equitable, attribute sales of wheat referred to in a declaration under paragraph (b) or (c) of sub-section (2.) of this section, being wheat of a particular kind, to all or any of the wheat of that particular kind delivered by particular persons.”.

8. After section 27 of the Principal Act the following section is inserted:—

“ 27A.—(1.) Notwithstanding the last preceding section, the Board may, in a Territory, sell wheat for use in Australia otherwise than in the manufacture of substances for human consumption at such prices as the Board determines, being prices less than the prices that would be applicable under that section, but no such sale shall be made at a price less than the minimum price applicable in accordance with this section.

Price of wheat
for use in
Australia
otherwise than
for human
consumption.

“ (2.) The minimum price in respect of a wholesale sale of bulk wheat of fair average quality free on rails at a port of export is the price per bushel for such a sale that corresponds with a free on board price equal to the guaranteed price of wheat of the season that was current at the beginning of the year in which the sale is made.

“ (3.) The minimum price in respect of a sale other than a sale referred to in the last preceding sub-section is a price per bushel ascertained by adding to or deducting from the minimum price per bushel referred to in that sub-section an amount that makes a proper allowance for the quality of the wheat, the conditions of sale and the place of delivery.

“ (4.) Where the Board sells wheat for use in Australia in the manufacture of substances for human consumption and the manufacture will result also in the production of substances for use for purposes other than human consumption, the Board may agree to allow the purchaser a rebate not exceeding the amount by which the price charged by the Board for the wheat could have been reduced in accordance with this section if the sale of so much of the wheat as is equal in weight to the weight of the substances produced, or to the estimated weight of the substances that will be produced, from the wheat for use for purposes other than human consumption had been a sale to which sub-section (1.) of this section applied.

“ (5.) In respect of every sale of wheat in accordance with sub-section (1.) of this section, the Board shall credit to the account referred to in sub-section (1.) of the next succeeding section an amount per bushel of wheat comprised in the sale equal to the amount that is, at the time of the sale, the amount per bushel by which prices are to be increased under sub-section (4.) of the last preceding section for the purpose of reimbursing the Board for costs of shipment of wheat to the State of Tasmania, and the next succeeding section applies in relation to amounts so credited in like manner as it applies in relation to other moneys credited to that account.

“ (6.) In this section ‘ year ’ means a period of twelve months commencing on the first day of December.”.

Refunds from Fund.

9. Section 32 of the Principal Act is amended by inserting after sub-section (7.) the following sub-section:—

“ (7A.) This section has effect as if wheat of a season that is, in accordance with section twenty-one A of this Act, included in the pool for a later season were wheat of that later season.”.

Remuneration and allowances of licensed receivers.

10. Section 34 of the Principal Act is amended by adding at the end thereof the following sub-section:—

“ (3.) Expenses incurred or paid by a licensed receiver in connexion with the administration of a law of a State relating to wheat quotas shall be deemed to be included in the expenses referred to in sub-section (1.) of this section.”.