

WHEAT MARKETING.

No. 49 of 1953.

An Act to amend the *Wheat Industry Stabilization Act 1948-1953*.

[Assented to 26th October, 1953.]

BE it enacted by the Queen's Most Excellent Majesty, the Senate, and the House of Representatives of the Commonwealth of Australia, as follows :—

Short title
and citation.

1.—(1.) This Act may be cited as the *Wheat Marketing Act 1953*.

(2.) The *Wheat Industry Stabilization Act 1948-1953** 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 Marketing Act 1948-1953*.

Commencement.

2.—(1.) This Act shall come into operation on a date to be fixed by Proclamation.

(2.) The amendments effected by sections four, five and thirteen of this Act do not apply in relation to wheat of the season that ended on the thirtieth day of September, One thousand nine hundred and fifty-three, or of any previous season.

* Act No. 48, 1948, as amended by Act No. 12, 1953.

3. The title of the Principal Act is amended by omitting the words "Stabilization of the Wheat Industry" and inserting in their stead the words "Marketing of Wheat". **Title.**

4. Section four of the Principal Act is amended by omitting the definition of "the guaranteed price". **Definitions.**

5. Section five of the Principal Act is repealed. **Guaranteed price.**

6.—(1.) Section seven of the Principal Act is amended— **Membership of Board.**

(a) by omitting from paragraphs (i) and (j) of sub-section (1.) the words "one wheat grower" and inserting in their stead the words "two wheat growers";

(b) by omitting from sub-section (2.) the words "during his pleasure" and inserting in their stead the words "for a period of three years, but may be re-appointed";

(c) by inserting after sub-section (2.) the following sub-section :—
 " (2A.) Where a member of the Board referred to in the last preceding sub-section (including the Chairman) ceases to be a member before the expiration of his period of office, the person appointed to fill the vacant office shall hold office for the remainder of that period, but may be re-appointed." ; and

(d) by adding at the end thereof the following sub-sections :—

" (9.) If, at any time after the thirty-first day of December, One thousand nine hundred and fifty-three, there is not in force in a State specified in sub-section (1.) of this section a law conferring on the Board functions in relation to the marketing of wheat of the season current at that time, the Minister may, by writing under his hand, notify the Chairman of the Board that the membership of the Board is to cease to include a member or members representing wheat growers in that State, and, upon receipt of the notification by the Chairman—

(a) the constitution of the Board shall be deemed to be varied in accordance with the notification ;
 and

(b) the member or members of the Board representing wheat growers in that State shall cease to hold office.

" (10.) The Minister may, by writing under his hand delivered to the Chairman of the Board, revoke a notification under the last preceding sub-section, and thereupon the constitution of the Board shall be the same as if the notification had not been given, and a member or members representing wheat growers in the State concerned may be appointed, or elected and appointed, as the case requires, accordingly."

(2.) The Chairman and members of the Board referred to in sub-section (2.) of section seven of the Principal Act and holding office immediately before the commencement of this Act continue to hold office as if they had been appointed on the date of commencement of this Act.

Removal from
office and
resignation.

7. Section eight of the Principal Act is amended by omitting from sub-section (1.) the words "representing wheat growers".

Meetings of
the Board.

8. Section nine of the Principal Act is amended by inserting in sub-section (3.), after the word "the" (second occurring), the words "persons who are for the time being".

Powers of
Board.

9. Section thirteen of the Principal Act is amended—

(a) by omitting from paragraph (a) of sub-section (1.) the words "or otherwise acquire";

(b) by inserting after that paragraph the following paragraph:—
" (a) accept wheat delivered to it in pursuance of this Act; ";

(c) by omitting from paragraph (b) of sub-section (1.) the words "purchased or otherwise acquired by" and inserting in their stead the words "the property of"; and

(d) by adding at the end thereof the following sub-section:—
" (4.) Notwithstanding the provisions of the last preceding sub-section, the Board, or a licensed receiver acting on behalf of the Board, shall not, except with the permission of the Minister, accept delivery of wheat delivered or offered in pursuance of a law of a State if the Minister has, by notice in writing, informed the Board that, in his opinion, the law of that State relating to the marketing of wheat is not in accordance with arrangements made between the Government of the Commonwealth and the Government of the State."

Delivery of
wheat in
Australian
Capital
Territory.

10. Section seventeen of the Principal Act is amended—

(a) by omitting from sub-section (1.) the words "a Territory" and inserting in their stead the words "the Australian Capital Territory"; and

(b) by omitting from sub-section (5.) the words "calculated at the guaranteed price" and inserting in their stead the words "as certified by the Board on the basis of the Board's prices, at the time of the offence, for sales of wheat in the Australian Capital Territory".

Delivery to
licensed
receiver.

11. Section eighteen of the Principal Act is amended—

(a) by omitting from sub-section (1.) the words "(whether in pursuance of this Act or otherwise)"; and

(b) by omitting sub-section (2.).

Unauthorized
dealings with
wheat.

12. Section nineteen of the Principal Act is amended—

(a) by inserting in paragraphs (b) and (c) of sub-section (1.), after the word "wheat", the words "in a Territory"; and

- (b) by omitting from sub-section (1.) the words "calculated at the guaranteed price" and inserting in their stead the words "as certified by the Board on the basis of the Board's prices, at the time of the offence, for sales of wheat in the State or Territory in which the offence is committed".

13. Section twenty of the Principal Act is repealed and the following section inserted in its stead:—

"20.—(1.) Where wheat is delivered to the Board in pursuance of section seventeen of this Act, the Board shall, subject to this section, pay for that wheat (including the corn sacks, if any, in which the wheat is delivered) a just price determined by the Board.

Price to be paid for wheat.

"(2.) If a law of the State of New South Wales provides for the delivery to the Board by wheat growers of wheat grown in that State in a particular season, and for the payment to be made by the Board for that wheat, the price to be paid for wheat of that season delivered to the Board in pursuance of section seventeen of this Act is the price which would be payable under that law if the wheat had been delivered to the Board in pursuance of that law."

14. Section twenty-three of the Principal Act is amended—

(a) by inserting in sub-section (1.), after the word "may", the words ", in a Territory"; and

(b) by omitting from paragraph (a) of sub-section (1.) the words "in a Territory".

Entry of premises, seizure of wheat, &c.

15. Section twenty-five of the Principal Act is amended by inserting after the word "care" (first occurring) the words "in a Territory".

Proper care to be taken of wheat owned by Board.

16. After section twenty-five of the Principal Act the following sections are inserted:—

"25A.—(1.) The price at which the Board shall, in a Territory, sell wheat (otherwise than for export from Australia or for the manufacture of goods for export from Australia) during a year shall be the appropriate price ascertained in accordance with this section.

Home consumption price of wheat.

"(2.) Subject to this section, the price in respect of wholesale sales of bulk wheat of fair average quality free on rails at ports shall be the International Wheat Agreement price, or Fourteen shillings per bushel, whichever is the lower.

"(3.) If the price applicable under the last preceding sub-section is less than the cost of production, the price, in the case of sales to which that sub-section applies, shall, subject to the next succeeding sub-section, be an amount per bushel equal to the cost of production.

"(4.) The price applicable under either of the last two preceding sub-sections shall be increased by an amount of one penny half-penny per bushel as a contribution towards the re-imbusement of the Board for the costs of shipment of wheat to Tasmania.

“(5.) If the Board reports to the Minister that the amounts being received by the Board by reason of the operation of the last preceding sub-section, together with amounts being received under corresponding provisions of the laws of the States, are more or less than the amounts required to meet the costs of shipment of wheat by the Board to Tasmania, the Minister may direct the Board that the amount per bushel specified in that sub-section shall be reduced or increased to such extent as he considers necessary.

“(6.) The price in respect of a sale other than a sale specified in sub-section (2.) of this section shall be a price ascertained by adding to or deducting from the price applicable to sales so specified an amount which makes a proper allowance for the quality of the wheat, the conditions of sale and the place of delivery.

“(7.) In this section—

‘the cost of production’, in relation to sales made in a year, means the amount notified to the Board by the Minister as being the cost per bushel of the production in Australia of wheat of the season which is current at the beginning of that year, being an amount ascertained by the Minister by taking as a basis the sum of Eleven shillings and eleven pence as the cost per bushel of the production in Australia of wheat of the season that ended on the thirtieth day of September, One thousand nine hundred and fifty-three, and making such variation as he considers necessary by reason of variations in the cost of the production of wheat affecting wheat of the first-mentioned season ;

‘the International Wheat Agreement price’, in relation to sales made in a year, means the price which the Minister certifies to the Board to be the price which he is satisfied was the price (expressed in Australian currency) per bushel prevailing immediately before the commencement of that year for sales by the Board under the International Wheat Agreement of bulk wheat of fair average quality free on rails at the ports of export ;

‘year’ means the period of twelve months commencing on the first day of December, One thousand nine hundred and fifty-three, and each subsequent period of twelve months.

Special account
for freight
to Tasmania.

“25B.—(1.) Notwithstanding anything contained in this Act but subject to this section, the Board shall keep a separate account of the moneys received by the Board by reason of the operation of sub-section (4.) of the last preceding section, and of payments made out of those moneys, and shall not apply those moneys except in accordance with this section.

“(2.) The Board may combine the account required to be kept under the last preceding sub-section with any similar account or accounts to be kept by it under the law of a State or States.

“(3.) The Board shall use the moneys referred to in sub-section (1.) of this section in meeting the costs of shipment of wheat by the Board

to Tasmania on and after the first day of December, One thousand nine hundred and fifty-three, and shall not use for that purpose any other moneys derived by it from the sale of wheat delivered to it in pursuance of this Act.

“(4.) Any moneys referred to in sub-section (1.) of this section which remain unexpended after the Board has disposed of the whole of the wheat of the last season to which this Act applies delivered to the Board in Australia shall be applied by the Board for the benefit of the wheat industry in such manner as the Minister, after consultation with the appropriate Minister of each State, directs.”.

17. Section twenty-nine of the Principal Act is amended by Finance. omitting sub-section (2.) and inserting in its stead the following sub-section :—

“(2.) Out of the moneys standing to the credit of the account or accounts the Board shall—

- (a) defray all costs and expenses incurred by it under this Act (including salaries, fees and allowances of members of the Board and remuneration payable to licensed receivers); and
- (b) make such other payments as the Board is required or authorized by law to make.”.

18. Section thirty-one of the Principal Act is amended—

- (a) by omitting from sub-section (1.) all the words after the word “ Fund ”; and Wheat Prices Stabilization Fund.
- (b) by omitting sub-sections (3.), (4.), (5.) and (7.).

19. Section thirty-three of the Principal Act is amended by Operation of State law. inserting in sub-section (2.), after the word “ and ”, the words “ shall be subject ”.

20. Section thirty-six of the Principal Act is amended by Application of Act. omitting the word “ fifty-three ” and inserting in its stead the word “ fifty-six ”.