



ANNO SECUNDO

ELIZABETHAE II REGINAE

A.D. 1953

No. 16 of 1953

An Act to amend the Wheat Industry Stabilization Act, 1948-1951.

[Assented to 5th November, 1953.]

BE IT ENACTED by the Governor of the State of South Australia, with the advice and consent of the Parliament thereof, as follows :

1. (1) This Act may be cited as the "Wheat Industry Stabilization Act Amendment Act, 1953". Short titles.

(2) The Wheat Industry Stabilization Act, 1948-1951, as amended by this Act, may be cited as the "Wheat Industry Stabilization Act, 1948-1953".

(3) The Wheat Industry Stabilization Act, 1948-1951, is hereinafter called "the principal Act".

2. This Act is incorporated with the principal Act and that Act and this Act shall be read as one Act. Incorporation.

3. (1) This Act shall be deemed to have come into operation on the day on which the Wheat Marketing Act, 1953 of the Commonwealth came into operation. Commencement.

(2) The amendments effected by sections 4 and 8 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.

(3) Where, before the date on which this Act received the Royal Assent, wheat harvested after the thirtieth day of September, one thousand nine hundred and fifty-three, was delivered or consigned to a person, firm, company or State

authority who or which was, at the time of the delivery or consignment, a licensed receiver under the principal Act or under the Wheat Industry Stabilization Act, 1948 of the Commonwealth as in force at the time of the delivery or consignment, the wheat shall be deemed to have been delivered to the Australian Wheat Board in pursuance of the principal Act as amended by this Act.

Amendment of
s. 2 of
principal Act—
Interpretation.

4. Section 2 of the principal Act is amended—

- (a) by striking out in the definition of “ the Commonwealth Act ” therein the words “ Wheat Industry Stabilization Act, 1948 ” and inserting in their place the words “ Wheat Marketing Act, 1948-1953 ” ;
- (b) by striking out the definition of “ the guaranteed price ”.

Amendment of
s. 4 of
principal Act—
Powers of
board.

5. Section 4 of the principal Act is amended—

- (a) by striking out the words “ or otherwise acquire ” in paragraph (a) ;
- (b) by inserting after paragraph (a) the following paragraph :—
- (aa) accept wheat delivered to it in pursuance of this Part.
- (c) by striking out in paragraphs (b) and (d) the words “ purchased or otherwise acquired by ” and inserting in lieu thereof in each case the words “ the property of ”.

Amendment of
s. 6 of
principal Act—
Delivery of
wheat.

6. Section 6 of the principal Act is amended by inserting after the word “ committed ” in the seventh line of subsection (5) the words “ as certified by the board on the basis of the board’s prices for sales of wheat in the State at the time of the offence ”.

Amendment of
s. 8 of
principal Act—
Unauthorized
dealings with
wheat.

7. Section 8 of the principal Act is amended by inserting after the word “ committed ” in the next to last line the words “ as certified by the board on the basis of the board’s prices for sales of wheat in the State at the time of the offence ”.

Repeal of
s. 9 of
principal Act
and enactment
of other
provisions—
Price to be
paid for
wheat.

8. Section 9 of the principal Act is repealed and the following sections are enacted in its place :—

9. (1) Where wheat is delivered to the board in pursuance of this Act, the board shall pay for that wheat (including the corn sacks, if any, in which the wheat is delivered) an amount determined by the board in accordance with this section.

(2) The board shall determine amounts payable under the last preceding subsection in respect of wheat of a season by—

- (a) ascertaining the net proceeds of the disposal by the board of all wheat of that season delivered to the board in Australia (whether in pursuance of this Act or otherwise);
- (b) deducting from the amount so ascertained an amount calculated at the rate of three pence for each bushel of so much of the wheat of that season grown in the State of Western Australia as the board certifies to the Minister to have become available for export to places outside Australia; and
- (c) ascertaining the share in the remaining amount of each person entitled to payment under this section by apportioning that remaining amount amongst the persons who delivered wheat of that season to the board in Australia (whether in pursuance of this Act or otherwise) on the basis of the number of bushels of wheat so delivered by each such person, with proper allowance for differences in the quality of wheat and for transport charges for the carriage of wheat to the terminal port from the place at which the wheat was delivered to the board, corn sacks in which wheat was supplied to the board, and other necessary adjustments in particular cases.

(3) For the purposes of this section, the board is not bound to preserve the identity of wheat of a season, and may keep its accounts in respect of sales in such manner as will, in its judgment, attribute sales to wheat of different seasons in an equitable manner.

(4) The board is not bound to make a final payment in respect of wheat of a season until it has disposed of the whole of the wheat of that season delivered to it in Australia (whether in pursuance of this Act or otherwise), but the board may, with the approval of the Minister administering the Commonwealth Act, make from time to time such advance payments as it considers justified.

(5) In this section, 'the net proceeds', in relation to the disposal of wheat, means the net return from the disposal of the wheat after paying administration, interest, transport, storage, and other charges incurred by the board (other than charges for transport to the terminal port from the place at which the wheat is delivered to the board).

(6) In ascertaining under the last preceding subsection the net proceeds of the disposal of any wheat, no account shall be taken of moneys to which section 14a of this Act or the corresponding provision of the Commonwealth Act or an Act of another State applies or of costs of the board payable out of those moneys.

Payment by
board.

9a. (1) The amount payable under this Act in respect of any wheat shall be payable to the person who would have been entitled to receive the price of the wheat if the wheat had been lawfully sold to the board at the time of the delivery of the wheat.

(2) The same rights (if any) shall exist against the person receiving an amount paid by the board under this Act in respect of any wheat as would exist if the moneys so paid were the proceeds of a sale or purported sale of the wheat by him, and any such rights may be enforced by action in any court of competent jurisdiction.

(3) Payment in good faith by the board of any moneys payable under this Act to the person appearing to the board to be entitled to receive them shall discharge the board from any further liability in respect of those moneys.

Repeal of
s. 14 of
principal Act
and enactment
of other
provisions—
Home
consumption
price of wheat.

9. (1) Section 14 of the principal Act is repealed and the following sections are enacted in its place:—

14. (1) The price at which the board shall, in South Australia, 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.

(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—

(a) the International Wheat Agreement price or, if at the beginning of the year, the International Wheat Agreement is not in operation or Australia has not accepted that Agreement, export parity ; or

(b) fourteen shillings per bushel,
whichever is the lower.

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

(4) The price applicable under either of the last two preceding subsections shall be increased by an amount of one penny halfpenny per bushel as a contribution towards the reimbursement of the board for the costs of shipment of wheat to Tasmania.

(5) In this section "year" means period of twelve months commencing on the first day of December, nineteen hundred and fifty-three, and each subsequent period of twelve months.

(6) If the board reports to the Minister administering the Commonwealth Act that the amounts being received by the board by reason of the operation of the last preceding subsection, together with the amounts being received under corresponding provisions of the Commonwealth Act and of the laws of the other States, are more or less than the amounts required to meet the costs of shipment of wheat by the board to Tasmania, that Minister may direct the board that the amount per bushel specified in that subsection shall be reduced or increased to such extent as he considers necessary.

(7) The price, in the case of sales other than sales specified in subsection (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.

(8) In this section—

"export parity" in relation to sales made in a year, means the price which the Minister administering the Commonwealth Act 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 on the export market of bulk wheat of fair average quality free on rails at the ports of export;

“ the cost of production ”, in relation to sales made in a year, means the amount notified to the board by the Minister administering the Commonwealth Act 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 Commonwealth Minister, after consultation with the appropriate Minister of each State, 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 administering the Commonwealth Act 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.

14a. (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 subsection (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 subsection with any similar account or accounts to be kept by it under the Commonwealth Act or under the law of another State or States.

(3) The board shall use the moneys referred to in subsection (1) of this section in meeting the costs of shipment of wheat by the board to Tasmania, 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 subsection (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 administering the Commonwealth Act, after consultation with the appropriate Minister of each State, directs.

14b. Subject to the board's paying or making provision for the payment of amounts required to be paid by it under this Act, nothing in this Act shall be deemed to prevent the board from applying moneys received by it by reason of the exercise of its functions under this Act for the purposes of the Commonwealth Act or an Act of another State relating to the marketing of wheat.

Use of funds
by Board.

(2) Notwithstanding the repeal of section 14 of the principal Act, the prices applicable under that section immediately before the date of commencement of this Act continue to be applicable to sales made before the first day of December, one thousand nine hundred and fifty-three.

10. Section 17 of the principal Act is amended by striking out the word "fifty-three" and inserting in lieu thereof the word "fifty-six".

Amendment of
s. 17 of
principal Act—
Duration of
Act.

In the name and on behalf of Her Majesty, I hereby assent to this Bill.

R. A. GEORGE, Governor.