

# WHEAT INDUSTRY STABILIZATION.

**No. 24 of 1946.**

An Act relating to the Stabilization of the  
Wheat Industry.

[Assented to 9th August, 1946.]

**B**E it enacted by the King's Most Excellent Majesty, the Senate,  
and the House of Representatives of the Commonwealth of  
Australia, as follows :—

1. This Act may be cited as the *Wheat Industry Stabilization Act* 1946. Short title.

**Commencement.** 2. The several sections of this Act shall commence on such dates as are respectively fixed by Proclamation.

**Definitions.** 3. In this Act, unless the contrary intention appears—  
 “Committee” means a State Committee constituted under this Act;  
 “licensed receiver” means a person licensed by the Board in pursuance of this Act to receive wheat on behalf of the Board;  
 “Territory” means a Territory of the Commonwealth which forms part of the Commonwealth;  
 “the Board” means the Australian Wheat Board constituted by this Act;  
 “the Stabilization Board” means the Wheat Industry Stabilization Board constituted by this Act.

**Australian Wheat Board.** 4.—(1.) For the purposes of this Act there shall be an Australian Wheat Board.

(2.) The Board shall consist of—

(a) a Chairman and one other member who shall be the representative of flour mill owners, each of which members shall be appointed by, and shall hold office during the pleasure of, the Minister; and

(b) two members elected to represent the wheat growers in the State of New South Wales, two members elected to represent the wheat growers in the State of Victoria, one member elected to represent the wheat growers in the State of Queensland, one member elected to represent the wheat growers in the State of South Australia and one member elected to represent the wheat growers in the State of Western Australia.

(3.) The qualifications for, and the method of, election as a representative of the wheat growers of any State and the conditions upon which such member shall hold office shall be as prescribed.

(4.) The Board shall be a body corporate with perpetual succession and a common seal, and may acquire, hold and dispose of real and personal property and shall be capable of suing and being sued in its corporate name.

(5.) All courts, judges and persons acting judicially shall take judicial notice of the seal of the Board affixed to any document and shall presume that it was duly affixed.

**Meetings of the Board.**

5.—(1.) Meetings of the Board shall be held at such times and places as the Board from time to time determines.

(2.) Meetings of the Board shall be called in such manner as is prescribed.

(3.) At all meetings of the Board a majority of the members of the Board shall form a quorum.

(4.) The proceedings of the Board shall be conducted in accordance with the regulations.

6.—(1.) The Board may appoint any number of its members to be an Executive Committee and delegate to that Committee such of its powers and functions as the Board, subject to any direction by the Minister, determines.

Executive  
Committee.

(2.) Every such delegation shall be revocable at the will of the Board and no delegation shall prevent the exercise of any power or function by the Board.

7.—(1.) For the purposes of this Act there may be a Committee appointed for any State.

State  
Committee.

(2.) Each Committee shall be constituted of such number of persons, and in such manner, as are prescribed :

Provided that at least one member of each Committee shall be nominated by the appropriate Minister of State of the State for which the Committee is appointed.

(3.) The members of each Committee shall be appointed by the Minister and shall hold office during the pleasure of the Minister.

(4.) A Committee shall have such powers and functions as this Act confers or as the Board determines, but shall exercise all its powers and functions subject to any direction of the Board.

(5.) At any meeting of a Committee a majority of the members of the Committee shall form a quorum.

(6.) The proceedings of a Committee shall be conducted in accordance with the regulations.

(7.) Any member of the Board may attend and take part in the proceedings of any meeting of a Committee but shall not vote or be counted in any quorum of the Committee.

8.—(1.) Subject to this section the Board may license, subject to such conditions as are specified in the licence, any person, firm, company or State authority to receive wheat on behalf of the Board and may cancel or suspend any such licence.

Licensed  
receivers.

(2.) An authority acting under any State Act as a receiver of wheat shall be entitled to a licence under this section to receive wheat and to the extent provided by that Act.

9. The Board may, subject to the approval of the Minister, enter into any agreement with any person, firm, company or governmental authority in any place outside Australia providing for that person, company or authority to act as the agent of the Board in respect of such matters and for such remuneration as are provided in the agreement.

Overseas  
agents.

10.—(1.) The Board may, subject to any directions of the Minister, for the purposes of the export of wheat and wheat products, the interstate marketing of wheat and the marketing of wheat in the Territories of the Commonwealth—

Powers of  
Board.

(a) purchase or otherwise acquire any wheat, wheat products, corn sacks, jute or jute products ;

- (b) sell or dispose of any wheat, wheat products, corn sacks, jute or jute products purchased or acquired by the Board ;
- (c) grist or arrange for the gristing of any wheat and sell or otherwise dispose of the products of the gristing ;
- (d) manage and control all matters connected with the handling, storage, protection, treatment, transfer or shipment of any wheat or wheat products purchased or acquired by the Board or of any wheat or wheat products sold or disposed of by the Board ; and
- (e) do all matters which it is required by this Act to do or which are necessary or convenient to be done by the Board for giving effect to this Act.

(2.) The Board shall have and perform all the duties, and shall have and may exercise, in relation to the wheat harvested in any wheat season up to and including the 1945-46 season, all the powers, authorities and functions, of the Australian Wheat Board established by the National Security (Wheat Acquisition) Regulations, and for that purpose—

- (a) the Board shall, by force of this Act, be substituted for, and be deemed to be, the Australian Wheat Board so established ;
- (b) the assets of the Australian Wheat Board so established shall, by force of this Act, be vested in the Board ;
- (c) all rights, obligations and liabilities which, immediately prior to the commencement of this Act, were vested in, or imposed on, the Australian Wheat Board so established shall, by force of this Act, be vested in or imposed on the Board ; and
- (d) in any contract, agreement or other instrument to which the Australian Wheat Board so established was a party, any reference to that Board shall be read as a reference to the Board.

(3.) Notwithstanding anything contained in the last preceding sub-section, the continuance in office of the members of the Australian Wheat Board so established shall, by force of this Act, be terminated.

Continuance  
of National  
Security  
(Wheat  
Acquisition)  
Regulations.

11. Subject to this Act, the National Security (Wheat Acquisition) Regulations shall, by force of this Act, in so far as they relate to wheat harvested in any wheat season up to and including the 1945-46 season, continue in force until such date as is fixed by Proclamation, and shall, during such continuance, have the force of law.

Savings of  
acts of  
Australian  
Wheat Board.

12. All licences granted, authorities, instructions, approvals and consents given, all recommendations made, all terms and conditions imposed and all dockages and deductions fixed by the Australian Wheat Board established by the National Security (Wheat Acquisition) Regulations, and in force immediately prior to the commencement of this Act, shall continue to have full force and effect but may be revoked, altered or added to by the Board in pursuance of the powers conferred by sub-section (2.) of section ten of this Act.

**13.** All persons in the employment of the Australian Wheat Board established by the National Security (Wheat Acquisition) Regulations immediately prior to the commencement of this Act shall, by force of this Act, be in the employment of the Board and be deemed to have been employed under this Act, but, until the terms and conditions of their employment are determined in pursuance of this Act, they shall be deemed to be employed upon the same terms as those upon which they were employed by the Australian Wheat Board so established.

Employees under National Security (Wheat Acquisition) Regulations to be employees of Board.

**14.** Any application made to the Australian Wheat Board established under the National Security (Wheat Acquisition) Regulations and pending immediately prior to the commencement of this Act shall be deemed to have been made to the Board.

Pending applications.

**15.—(1.)** Subject to this section a person who owns wheat in a Territory—

Sale of wheat in Territory—

- (a) shall sell and deliver that wheat to the Board ; and
- (b) shall not sell or deliver that wheat to any person other than the Board.

(2.) Delivery of wheat to a licensed receiver shall, for the purposes of this section, be deemed to be delivery to the Board.

(3.) Nothing in this section shall apply to—

- (a) wheat retained by the grower for use on the farm where it is grown ;
- (b) wheat which has already been purchased from the Board ; or
- (c) wheat sold or delivered to any person with the approval of the Board.

**16.—(1.)** Any person who is required to sell wheat to the Board or any person who is desirous of selling wheat to the Board may deliver or consign the wheat to any licensed receiver :

Delivery of wheat.

Provided that, if any wheat is required under any State Act to be delivered to a person or authority and that person or authority is a licensed receiver who receives his or its licence in pursuance of sub-section (2.) of section eight of this Act, that wheat shall be delivered to that licensed receiver.

(2.) Any delivery or consignment of wheat in pursuance of the last preceding sub-section shall be made in the name of the person in whose possession, control or disposal the wheat is at the time of the delivery or consignment.

**17.** Except as provided in the last preceding section, or with the consent of the Board, a person shall not—

Unauthorized dealing with wheat.

- (a) part with the possession of any wheat the property of the Board which is held in his possession ;
- (b) take into his possession any wheat which is the property of the Board ;

- (c) purport to sell or offer for sale, or purport to purchase or offer to purchase (otherwise than from the Board), any wheat which is the property of the Board ; or
- (d) export any wheat or wheat products.

Penalty : Thrice the value of the wheat or wheat products in respect of which the offence is committed or imprisonment for six months, or both.

Price to be paid for the wheat.

18.—(1.) Subject to this section, the basis of the price to be paid by the Board for wheat delivered to it shall be the rate or rates per bushel arrived at by reference to the net proceeds from the disposal of wheat.

(2.) In determining the price to be paid by the Board to a grower for wheat of any wheat season, the Board shall take into account the net proceeds of the whole of the wheat delivered to it in respect of that season, but in any event the price so to be paid for fair average quality bagged wheat shall not be less than Five shillings and two pence per bushel free on rail at the port from which it is normally exported.

(3.) From any payment required to be made by the Board under this section deductions may be made by the Board on account of any or all of the following matters :—

- (a) Price or value of corn sacks (including freight thereon) supplied to the grower of the wheat or which, in the opinion of the Board, form a proper charge against the proceeds of the wheat ;
- (b) Dockages or deductions as fixed by the Board on account of the quality or condition of the wheat or of the corn sacks ;
- (c) Transport charges to the terminal port from the place at which the wheat is delivered to the Board or to the licensed receiver ; and
- (d) Any other expenses, including administration, interest and storage charges incurred by the Board in disposing of the wheat.

(4.) Notwithstanding anything in sub-section (2.) of this section, where the Board is satisfied that any wheat which has been acquired by it was harvested in contravention of this Act or of the provisions of any State Act the price free on rail at the port from which it is normally exported which shall be paid by the Board for that wheat shall be—

- (a) Five shillings and two pence per bushel ; or
- (b) the net proceeds of the disposal of a similar quantity of wheat of the same season and quality,

whichever is the lower.

(5.) If the Board is satisfied that, because of the special quality of any particular parcel of wheat, an addition should be made to the relevant price as determined by the Board for fair average quality wheat, the Board may, subject to any direction of the Minister, add such amount by way of premium as it thinks fit.

(6.) In this section, "net proceeds", in relation to the disposal of wheat, means the net return from the disposal of the wheat after paying the charge imposed by the *Wheat Export Charge Act 1946* and administration, interest, freight, storage and other charges incurred by the Board.

19. A licensed receiver shall hold, on behalf of the Board, all wheat the property of the Board which is at any time in his possession and shall not part with the possession of any such wheat except in accordance with instructions from the Board or from the Chairman of a Committee authorized in that behalf by the Board.

Licensed receiver to hold wheat.

20. The Minister may, in respect of each season, by notice published in the *Gazette*, declare a date to be the final date of that season, and any person who, after that date, consigns or delivers to a licensed receiver any wheat harvested prior to that date shall make and forward to the licensed receiver a declaration correctly stating the season during which that wheat was harvested.

Declaration to be furnished as to old season's wheat.

21.—(1.) For the purposes of this Act there shall be a Wheat Industry Stabilization Board.

The Wheat Industry Stabilization Board.

(2.) The Stabilization Board shall consist of—

- (a) a Chairman, an executive member and one other member each of whom shall be appointed by, and shall hold office during the pleasure of, the Minister; and
- (b) one member appointed by the Minister to represent each State after nomination by the appropriate Minister of State of that State.

(3.) The conditions upon which any member appointed under paragraph (b) of the last preceding sub-section shall hold office shall be as prescribed.

(4.) At any meeting of the Stabilization Board a majority of the members of the Board shall constitute a quorum.

(5.) At all meetings of the Stabilization Board, the Chairman shall have a deliberative vote but not a casting vote.

(6.) In the event of an equality of votes upon any question before the Stabilization Board, the question shall be postponed for consideration at a later meeting.

22.—(1.) The Minister may, in respect of each member of the Stabilization Board, appoint a person to be the deputy of that member.

Deputies of members.

(2.) Any person so appointed shall, in the event of the absence (through illness or otherwise) of the member of whom he is the deputy, have all the powers of that member during the absence.

(3.) No such appointment of a deputy and no acts done by him as such shall in any proceedings be questioned on the ground that the occasion for his appointment had not arisen or had ceased.

**Duties of  
Stabilization  
Board.**

**23. The Stabilization Board—**

(a) shall, in relation to any Territory, have such duties, powers and functions in relation to the control and regulation of the production of wheat, the registration of wheat farms and the licensing of persons to grow wheat as are prescribed; and

(b) may, in relation to any Territory, approve of the areas to be sown for the production of wheat for grain.

**Indemnity.**

**24.** A member of a Board constituted by or under this Act shall not be personally liable for any act of that Board or of the member acting as such.

**Appointment  
of officers.**

**25.—(1.)** A Board constituted by or under this Act may appoint such officers as are necessary to assist that Board in carrying out its functions under this Act.

(2.) Officers appointed in pursuance of this section shall not be subject to the *Commonwealth Public Service Act 1922-1945* but shall be employed on such terms and conditions (including conditions with respect to punishment for breaches of discipline) as, subject to the approval of the Public Service Board, are determined by the Board by which they are appointed.

(3.) Where an officer appointed in pursuance of this section was immediately prior to his appointment, an officer of the Public Service of the Commonwealth, his service as an officer of the Board by which he is appointed shall, for the purpose of determining his existing and accruing rights, be taken into account as if it were service in the Public Service of the Commonwealth, and the *Officers' Rights Declaration Act 1928-1940* shall apply as if this Act and this section had been specified in the Schedule to that Act.

**Remuneration  
and allowances**

**26.—(1.)** There shall be payable to any member of a Board constituted by or under this Act or of a Committee such salary, fees and allowances as the Governor-General directs.

(2.) There shall be payable to any licensed receiver, as remuneration for his services and for any facilities made available by him for the storage, protection, treatment, handling, transfer and shipping of wheat, and for any expenses properly incurred by him, such amount as the Minister, on the recommendation of the Board, from time to time determines.

(3.) Where an authority constituted by or under a State Act is a licensed receiver, the expenses payable to that authority as such receiver shall be as agreed by the Minister and the appropriate Minister of State of the State concerned.



**27.**—(1.) For the purposes of this Act, any person thereto authorized in writing by the Board may, at all reasonable times, enter any premises and inspect any stocks of wheat, wheat products or corn sacks and any accounts, books and documents relating to any wheat, wheat products or corn sacks.

Inspection of  
stocks, books,  
&c.

(2.) Any person who hinders or prevents any entry or inspection by any person duly authorized under this section shall be guilty of an offence.

**28.** Any person having any wheat the property of the Board in his possession or under his care shall exercise proper care and take all proper and reasonable precautions and do all things necessary to preserve and safeguard that wheat and to keep it free from any damage or deterioration whatsoever.

Proper care  
to be taken  
of wheat  
owned by  
Board.

**29.**—(1.) The Board shall open and maintain an account at the Commonwealth Bank of Australia into which it shall pay all moneys received in respect of sales of wheat or wheat products or otherwise, and any moneys appropriated by the Parliament for the purposes of this Act or advanced in pursuance of an arrangement made under the next succeeding section.

Finance.

(2.) Out of the moneys standing to the credit of the account—

(a) the Board shall defray all costs and expenses incurred by it under this Act; and

(b) make such other payments as the Board is required or authorized by law to make.

**30.** The Minister may arrange with the Commonwealth Bank of Australia for the making by that Bank of advances to the Board for the purposes of this Act, and may guarantee to that Bank the repayment, out of moneys lawfully made available by the Parliament, of any advance made by that Bank in pursuance of the arrangement.

Arrangement  
with  
Commonwealth  
Bank for  
advance.

**31.**—(1.) There shall be a Wheat Prices Stabilization Fund into which shall be paid an amount equivalent to the charges from time to time collected under the *Wheat Export Charge Act 1946*.

Wheat Prices  
Stabilization  
Fund.

(2.) The Wheat Prices Stabilization Fund shall be a Trust Account within the meaning of section sixty-two A of the *Audit Act 1901-1934*.

(3.) Out of the moneys standing to the credit of the Fund there shall be paid to the Board such amounts as are necessary for the purpose of enabling the Board to make payments in accordance with the provisions of section eighteen of this Act.

(4.) In the event of the amount standing to the credit of the Fund being at any time insufficient to meet the payments required under this Act to be made from the Fund there shall be paid to the Fund out of the Consolidated Revenue Fund the amount necessary to meet the deficiency.

(5.) The Consolidated Revenue Fund is to the necessary extent hereby appropriated for the purposes of the payments to be made to the Fund under sub-sections (1.) and (4.) of this section.

(6.) Moneys standing to the credit of the Fund may be invested in securities of the Commonwealth or on deposit in the Commonwealth Bank and the income of such investments shall form part of the Fund.

**Audit.** 32. The accounts of the Boards constituted by or under this Act shall be subject to audit by the Auditor-General for the Commonwealth.

**Powers under State Acts.** 33. Nothing in this Act shall be deemed to prevent the Board or the Stabilization Board from exercising any power or function conferred upon it by any State Act.

**Offences.** 34.—(1.) Any person who commits a contravention of, or fails to comply with, any provision of this Act for which no other penalty is provided shall be guilty of an offence and shall be liable to a fine not exceeding One hundred pounds or imprisonment for six months or both.

(2.) Any offence against this Act may be prosecuted summarily.

**Regulations.** 35. 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 providing for or in relation to—

- (a) the constitution of the Board ;
- (b) the conduct of the proceedings of the Board ;
- (c) the regulation of the production of wheat in the Territories ;  
and
- (d) penalties not exceeding One hundred pounds or imprisonment not exceeding six months or both for any breach of the regulations.

**Duration of Act.** 36. This Act shall continue until, and shall cease to have effect upon, the date fixed under the *Wheat Export Charge Act 1946* as the date upon which that Act shall cease to be in operation.