

WHEAT INDUSTRY STABILIZATION.

No. 58 of 1958.

An Act relating to the Stabilization of the Wheat Industry.

[Assented to 2nd October, 1958.]

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.

1. This Act may be cited as the *Wheat Industry Stabilization Act* 1958.

Commencement.

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

Repeal and savings.

3.—(1.) The *Wheat Industry Stabilization Act* 1954 is repealed.

(2.) Notwithstanding the last preceding sub-section but subject to the next succeeding sub-section, the provisions of the Act repealed by the last preceding sub-section, other than section twenty-eight of that Act, and the provisions of the Acts that were repealed by that Act (including the provisions for the continuation in force of the National Security (Wheat Acquisition) Regulations), continue to apply in relation to wheat harvested before the first day of October, One thousand nine hundred and fifty-eight.

(3.) A reference in any of the provisions referred to in the last preceding sub-section to the Australian Wheat Board established or continued in existence by any of those provisions shall, in relation to things done or to be done after the commencement of this Act, be read as a reference to the Board as continued in existence by this Act and conducting its proceedings in accordance with this Act.

(4.) Wheat harvested on or after the first day of October, One thousand nine hundred and fifty-eight, and delivered to the Board before the commencement of this Act by a person who was in possession of the wheat in the Australian Capital Territory (including wheat delivered to a person who was a licensed receiver for the purposes of the Act repealed by this Act) shall be deemed to have been delivered in pursuance of section fourteen of this Act, and any advance payment made by the Board in respect of any such wheat before the commencement of this Act shall be deemed to have been made in pursuance of this Act.

4. In this Act, unless the contrary intention appears— **Definitions.**

- “ licensed receiver ” means a person, firm, company or State authority licensed by the Board to receive wheat on behalf of the Board;
- “ season ”, in relation to wheat, means the period of twelve months, commencing on the first day of October in any year, during which the wheat was harvested;
- “ State Board ” means a Board or Committee established by a law of a State (whether before or after the commencement of this Act) to perform functions in relation to wheat, and having power (whether conferred specifically or otherwise) to act as agent of the Australian Wheat Board;
- “ Territory ” means a Territory of the Commonwealth which forms part of the Commonwealth;
- “ the appropriate Minister ”, in relation to a State, means the Minister of State of the State administering the Department of the State dealing with agricultural matters, and includes a Minister of State of that State acting on behalf of that Minister;
- “ the Board ” means the Australian Wheat Board continued in existence by this Act;
- “ the guaranteed price ”, in relation to wheat of a season, means an amount equal to the cost of production of wheat of that season as fixed by, or determined in pursuance of, section five of this Act.

Cost of
production.

5.—(1.) For the purposes of this Act, the cost of production of wheat of the season commencing on the first day of October, One thousand nine hundred and fifty-eight, is Fourteen shillings and sixpence per bushel.

(2.) For the purposes of this Act, the Minister shall, before the first day of December in each season in relation to which this Act applies, other than the season referred to in the last preceding sub-section, after consultation with the appropriate Minister of each State, determine an amount to be the cost of production of wheat of the season, and shall, before that day or as soon as practicable after that day, notify in the *Gazette* the amount so determined.

(3.) The Minister shall determine the cost of production on the basis of fair average quality bulk wheat free on rails at the ports of export.

(4.) In determining the cost of production of wheat of a season the Minister shall—

- (a) take as a basis the sum fixed by sub-section (1.) of this section as the cost of production of wheat of the season commencing on the first day of October, One thousand nine hundred and fifty-eight; and
- (b) make such increase or decrease in that sum as he considers appropriate by reason of increases or decreases in costs.

Australian
Wheat Board.

6.—(1.) The Australian Wheat Board that was, immediately before the commencement of this Act, continued in existence by the *Wheat Industry Stabilization Act 1954* is, by force of this section and subject to this Act, continued in existence for the purposes of this Act.

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

(3.) All courts, judges and persons acting judicially—

- (a) shall take judicial notice of the seal of the Board affixed to a document and shall presume that it was duly affixed; and
- (b) shall take judicial notice of the signature of a person who is or has been the Chairman of the Board and of the fact that he is or was the Chairman.

(4.) The exercise or performance of a power or function by the Board is not invalidated by reason only of a vacancy or vacancies in the membership of the Board.

(5.) A notice, authority or communication given or made by the Board shall be sufficiently authenticated if signed by the Chairman on behalf of the Board, and a notice, authority or communication so signed shall, in the absence of proof to the contrary, be deemed to have been given or made in pursuance of a resolution of the Board.

7.—(1.) The Board shall consist of—

Membership
of Board.

- (a) a Chairman;
- (b) a person engaged in commerce, with experience of the wheat trade;
- (c) a finance member;
- (d) a representative of flour mill owners;
- (e) a representative of employees;
- (f) two wheat growers representing wheat growers in the State of New South Wales;
- (g) two wheat growers representing wheat growers in the State of Victoria;
- (h) one wheat grower representing wheat growers in the State of Queensland and, as an alternate member, another wheat grower representing those wheat growers;
- (i) two wheat growers representing wheat growers in the State of South Australia; and
- (j) two wheat growers representing wheat growers in the State of Western Australia.

(2.) The Chairman of the Board, and the members specified in paragraphs (b), (c), (d) and (e) of the last preceding sub-section, shall be appointed by the Minister.

(3.) A member representing wheat growers in a State shall be appointed in the following manner:—

- (a) if there is a State Board in the State—he shall be appointed by the Minister from amongst the members of the State Board, on the nomination of the State Board; or
- (b) if there is no State Board in the State—he shall be appointed by the Minister after being elected by wheat growers in the State in accordance with the regulations.

(4.) A member of the Board appointed under a provision of the *Wheat Industry Stabilization Act 1954* and holding office immediately before the commencement of this Act continues, subject to this section, to hold office as if appointed under the corresponding provision of this Act.

(5.) Without prejudice to the operation of a provision of this Act under which a member of the Board ceases to hold office at an earlier date, all members of the Board cease to hold office on the twenty-sixth day of October, One thousand nine hundred and fifty-nine, and at the expiration of each successive period of three years after that date.

(6.) A member of the Board appointed in accordance with paragraph (a) of sub-section (3.) of this section ceases to hold office if he ceases to be a member of the State Board.

(7.) Where, after the appointment of a member of the Board in accordance with paragraph (b) of sub-section (3.) of this section to represent wheat growers in a State, a State Board is constituted in that State, that member ceases to hold office on the day as from which members of the Board are appointed from amongst the members of the State Board.

(8.) The appointment of a member of the Board under sub-section (3.) of this section is not invalidated by reason of a defect or irregularity in or in connexion with his nomination or election.

(9.) Whenever—

(a) a casual vacancy occurs in the office of a member of the Board, being an office to the filling of which paragraph (b) of sub-section (3.) of this section is applicable; or

(b) upon a State Board having ceased to exist, it is, in the opinion of the Minister, desirable to appoint a person temporarily to such an office pending the appointment of an elected person to occupy it,

the Minister may, after consultation with the appropriate Minister of the State concerned, appoint a wheat grower in the State to that office, but the person so appointed ceases to hold office on the day as from which a person elected by wheat growers is appointed to the office.

(10.) A member of the Board is eligible for re-appointment.

Removal from
office, and
resignation.

8.—(1.) The Minister may remove from office a member of the Board if—

(a) he becomes bankrupt or insolvent or applies to take the benefit of a law for the relief of bankrupt or insolvent debtors;

(b) except with the leave of the Board, he absents himself from three consecutive meetings of the Board;

(c) he is convicted of an offence punishable under the law of the Commonwealth or of a State or Territory of the Commonwealth by imprisonment for one year or longer; or

(d) he becomes incapable of performing his duties.

(2.) A member of the Board may resign from office by notice of resignation given to the Minister.

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

(2.) A meeting of the Board may be called by the Chairman.

(3.) The alternate member referred to in paragraph (h) of sub-section (1.) of section seven of this Act is entitled to attend a meeting as a member of the Board only if the other member referred to in that paragraph is not present at the meeting.

(4.) At a meeting of the Board a majority of the persons who are for the time being members of the Board forms a quorum.

(5.) For the purposes of the last preceding sub-section, not more than one member representing wheat growers in the State of Queensland shall be taken into account in ascertaining either the number of persons who are for the time being members of the Board or the number of members who are present at a meeting.

(6.) The Chairman shall preside at all meetings of the Board at which he is present.

(7.) In the absence of the Chairman, the members present shall elect one of their number to preside.

(8.) All questions at a meeting of the Board shall be decided by a majority vote of the members present and voting.

(9.) The Chairman or other member presiding at a meeting of the Board has a deliberative vote and also, in the event of an equality of votes, a casting vote.

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

(2.) Every such delegation is revocable at the will of the Board, and no delegation prevents the exercise of a power or function by the Board.

11.—(1.) Subject to this section, the Board may license, subject to such conditions as are specified in the licence, a 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.) A State Board or other State authority authorized under a State Act to act as a receiver of wheat is entitled to a licence under this section.

(3.) A licence to receive wheat on behalf of the Board that was in force immediately before the commencement of this Act shall be deemed to have been granted under this section.

**Overseas
agents.**

12. The Board may, subject to the approval of the Minister, enter into an agreement with a person or authority in a place outside Australia providing for that person 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.

**Powers of
Board.**

13.—(1.) The Board may, for the purposes of the export of wheat and wheat products from Australia, the interstate marketing of wheat and the marketing of wheat in the Territories of the Commonwealth, or for the purposes of, or purposes incidental to, an international agreement to which Australia is a party—

- (a) purchase wheat, wheaten flour, semolina, corn sacks, jute or jute products;
- (b) accept wheat delivered to it;
- (c) sell or dispose of wheat, wheaten flour, semolina, corn sacks, jute or jute products the property of the Board;
- (d) grist or arrange for the gristing of wheat, and sell or otherwise dispose of the products of the gristing;
- (e) manage and control all matters connected with the handling, storage, protection, treatment, transfer or shipment of wheat or other things purchased or otherwise acquired by the Board or sold or otherwise disposed of by the Board; and
- (f) do all things that the Board is required or permitted by this Act to do or that are necessary or convenient to be done by the Board for giving effect to this Act.

(2.) The Minister may give directions to the Board concerning the performance of its functions and the exercise of its powers, and the Board shall comply with those directions.

(3.) The Board may refer to a State Board for advice a matter affecting wheat in the State concerned.

(4.) Nothing in this Act shall be deemed to prevent the Board from exercising or performing, unless otherwise directed by the Minister, a capacity, power, function or duty conferred or imposed upon it by a State Act.

**Delivery of
wheat in
the Australian
Capital
Territory.**

14.—(1.) Subject to this section, a person who is in possession of wheat in the Australian Capital Territory—

- (a) may deliver that wheat to the Board; and
- (b) shall deliver that wheat to the Board on demand made by or on behalf of the Board.

(2.) Upon delivery of wheat to the Board under this section, the wheat (including any corn sacks in which the wheat is contained) becomes the absolute property of the Board, freed from all mortgages, charges, liens, pledges, interests and trusts.

- (3.) A demand under this section may be made—
- (a) by notice in writing served personally on the person to whom it is addressed, or served on that person by post at his usual or last-known place of abode or business; or
 - (b) by notice published in the *Gazette*, in which case it may be addressed to persons generally, or to persons included in a class of persons.
- (4.) Nothing in this section applies to—
- (a) wheat harvested before the first day of October, One thousand nine hundred and fifty-eight;
 - (b) wheat retained by the grower for use on the farm where it is grown;
 - (c) wheat that has been sold by the Board; or
 - (d) wheat sold or delivered to a person with the approval of the Board.
- (5.) A person shall not—
- (a) refuse or fail to comply with a demand made under this section; or
 - (b) deliver to the Board wheat which has previously been sold by the Board.

Penalty: Thrice the value of the wheat in respect of which the offence is committed, calculated at the guaranteed price for wheat of the season that is current at the time of the offence, or imprisonment for six months, or both.

15.—(1.) Delivery of wheat to the Board may be made by delivering or consigning the wheat to a licensed receiver.

Delivery to
licensed
receiver.

(2.) A person who delivers or consigns wheat to a licensed receiver shall, at the same time, furnish to the licensed receiver in writing the names and addresses of all persons known by him to have or to claim an interest in the wheat, in any corn sacks in which the wheat is contained or in the payment to be made for the wheat or corn sacks, and all particulars known to him of those interests.

16.—(1.) Except as provided in the last two preceding sections, or with the consent of the Board, a person shall not—

Unauthorized
dealings with
wheat.

- (a) sell, deliver or part with the possession of, or take into his possession, wheat in a Territory other than wheat specified in sub-section (4.) of section fourteen of this Act;
- (b) part with the possession of, or take into his possession, wheat that 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), wheat that is the property of the Board; or
- (d) export wheat, or wheat products as defined in the *Wheat Export Charge Act 1958*.

Penalty: Thrice the value of the wheat or of the wheat equivalent of the wheat products in respect of which the offence is committed, calculated at the guaranteed price for wheat of the season that is current at the time of the offence, or imprisonment for six months, or both.

(2.) The prohibition of export contained in the last preceding sub-section is in addition to, and not in substitution for, any prohibition contained in regulations (whether made before or after the commencement of this section) in force under the *Customs Act 1901-1957*.

Price to be
paid for
wheat.

17.—(1.) Where wheat is delivered to the Board in pursuance of section fourteen 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 sub-section 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 Threepence 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, make from time to time such advance payments as it considers justified.

(5.) Subject to this section, the net proceeds of the disposal of wheat shall, for the purposes of this section, be deemed to be the net return from the disposal of the wheat (including corn sacks in which the wheat was sold) after paying the charge imposed by the *Wheat Export Charge Act 1958* and 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 the net proceeds of the disposal of any wheat, no account shall be taken of moneys to which section twenty-four of this Act, or a corresponding provision of a State Act, applies or of costs of the Board payable out of those moneys.

(7.) Where the average price per bushel obtained by the Board for wheat of a season exported by the Board, or sold by the Board for export, is less than the guaranteed price, the net proceeds from the disposal of wheat of that season by the Board shall, for the purposes of this section, be deemed to be increased by an amount ascertained by multiplying the amount of the difference between that average price and the guaranteed price by—

- (a) a number equal to the number of bushels of wheat of the season exported by the Board, or sold by the Board for export; or
- (b) one hundred million,

whichever is the less.

(8.) In ascertaining the average price for the purposes of the last preceding sub-section, the price obtained in respect of a sale other than a sale of fair average quality bulk wheat free on rails at the port of export shall be deemed to be the price which would have been the corresponding price for a sale of the same quantity of fair average quality bulk wheat free on rails at the port of export.

(9.) The obligation of the Board under this section in respect of any wheat is subject to the operation of section eight of the *Wheat Tax Act 1957*.

Payment by Board.

18.—(1.) The amount payable under this Act in respect of any wheat, or wheat and corn sacks, is 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) exist against the person receiving an amount paid by the Board under this Act in respect of wheat, or wheat and corn sacks, as would exist if the moneys so paid were the proceeds of a sale or purported sale of the wheat, or wheat and corn sacks, by him, and any such rights may be enforced by action in any court that would have had jurisdiction if the moneys were the proceeds of such a sale or purported sale.

(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 discharges the Board from any further liability in respect of those moneys.

(4.) Subject to the next succeeding sub-section, an assignment of moneys payable by the Board in respect of wheat, or wheat and corn sacks, delivered to the Board (not including a registered crop lien) executed after the commencement of this Act is void as against the Board.

(5.) Where a person assigns moneys payable to him by the Board in respect of wheat, or wheat and corn sacks, delivered or to be delivered to the Board in payment of, or as security for payment of, an amount payable by that person for corn sacks supplied to him, the Board may pay those moneys to the assignee.

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

19.—(1.) The Minister may, in respect of a season, by notice published in the *Gazette*, declare a day to be the final delivery day in respect of that season.

(2.) A person who, in the Australian Capital Territory—

(a) consigns or delivers to a licensed receiver wheat harvested before the fifteenth day of September, One thousand nine hundred and fifty-eight; or

(b) consigns or delivers to a licensed receiver, after the final delivery day declared in respect of a season under this section, wheat harvested in that season,

shall make and forward to the licensed receiver a declaration correctly stating the season during which the wheat was harvested.

Entry of premises, seizure of wheat, &c.

20.—(1.) A member of the police force of the Commonwealth or of a State or Territory who is authorized by the Board or the Chairman of the Board to act under this section may—

(a) at all reasonable times, enter premises in a Territory and inspect any stock of wheat or corn sacks, and any accounts, books and documents relating to wheat or corn sacks; and

(b) take possession of and remove any wheat that is the property of the Board or the delivery of which has been lawfully demanded by the Board, and any corn sacks in which any such wheat is contained or that are the property of the Board.

(2.) A person shall not hinder or obstruct a person in the exercise of powers under this section.

(3.) Wheat, other than wheat that is the property of the Board, of which possession is taken under sub-section (1.) of this section, and any corn sacks in which the wheat is contained, shall, for the purposes of this Act, but without affecting the liability of a person for an offence, be deemed to be delivered to the Board under this Act.

21.—(1.) For the purposes of this Act the Board may, by notice in writing served on the person to whom it is addressed either—

Board may require returns.

(a) personally; or

(b) by post at his last known place of abode or business,

require a person to furnish in writing to the Board, within the time specified in the notice, such information relating to wheat, wheaten flour, semolina, corn sacks, jute or jute products as is specified in the notice.

(2.) A person shall not, without reasonable excuse—

(a) refuse or fail to comply with a requirement under this section; or

(b) furnish to the Board any information that is false or misleading in a particular.

22. A person having 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 damage or deterioration.

Proper care to be taken of wheat owned by Board.

23.—(1.) The price at which the Board shall, in a Territory, sell wheat for manufacture into wheat products for human consumption in Australia, or wheat for consumption in Australia by pigs, poultry or dairy stock, is the appropriate price ascertained in accordance with this section.

Home consumption price of wheat.

(2.) Subject to this section, the price per bushel in respect of a wholesale sale of bulk wheat of fair average quality free on rails at a port of export shall be the guaranteed price for wheat of the season that is current at the beginning of the year in which the sale is made.

(3.) The price applicable under either of the last two preceding sub-sections shall be increased by an amount of Twopence per bushel for the purpose of reimbursing the Board for the costs of shipment of wheat to Tasmania.

(4.) 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.

(5.) 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 that makes a proper allowance for the quality of the wheat, the conditions of sale and the place of delivery.

(6.) In this section, "year" means the period of twelve months commencing on the first day of December, One thousand nine hundred and fifty-eight, and each subsequent period of twelve months.

(7.) Notwithstanding the repeal of section twenty-three of the *Wheat Industry Stabilization Act 1954*—

(a) the prices for sales of wheat by the Board that were applicable under that section immediately before the commencement of this Act continue to be applicable to sales made after the commencement of this Act and before the first day of December, One thousand nine hundred and fifty-eight; and

(b) all moneys received by the Board in respect of such sales by reason of the operation of sub-section (4.) of that section shall be deemed to be moneys to which sub-section (1.) of the next succeeding section applies.

Special account
for freight
to Tasmania.

24.—(1.) Notwithstanding any other provision of 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-sections (3.) and (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, 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.

(5.) Any moneys that, immediately before the commencement of this Act, were standing to the credit of the account kept by the Board for the purposes of section twenty-four of the *Wheat Industry Stabilization Act 1954* shall be deemed to be moneys to which sub-section (1.) of this section applies.

25.—(1.) The Board shall open and maintain an account or accounts with the Commonwealth Bank of Australia, and may open and maintain an account or accounts with such other bank or banks as the Treasurer approves. **Finance.**

(2.) The Board shall pay all moneys received by it into an account referred to in this section.

(3.) The moneys of the Board shall be applied only—

- (a) in payment or discharge of the expenses, charges and obligations of the Board;
- (b) in payment of the salaries, fees and allowances of members of the Board and remuneration payable to licensed receivers; and
- (c) in making any other payments that the Board is required or authorized by law to make.

26. The Minister may, on behalf of the Commonwealth—

- (a) arrange with the Commonwealth Bank of Australia for the making by that Bank of advances to the Board for the purposes of the Board; and **Arrangement with Commonwealth Bank for advances.**
- (b) guarantee the repayment of an advance made in pursuance of such an arrangement and the payment of interest on the advance.

27.—(1.) The Wheat Prices Stabilization Fund that existed immediately before the date of commencement of this Act for the purposes of the *Wheat Industry Stabilization Act 1954* shall continue in existence for the purposes of this Act and shall continue to be a Trust Account within the meaning of section sixty-two A of the *Audit Act 1901–1957* and the moneys standing to the credit of the Fund immediately before that date shall, subject to this Act, continue to stand to the credit of the Fund. **Wheat Prices Stabilization Fund.**

(2.) There shall be paid into the Fund amounts equivalent to the amounts from time to time collected under the *Wheat Export Charge Act 1958*.

(3.) Out of the moneys standing to the credit of the Fund there shall be paid to the Board an amount equal to each amount by which the net proceeds from the disposal of any wheat are deemed to be increased under sub-section (7.) of section seventeen 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 appropriated for the purposes of the payments to be made to the Fund under sub-sections (2.) 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 with the Commonwealth Bank of Australia, and income derived from such investments forms part of the Fund.

(7.) Where, by reason of an adjustment under sub-section (4.) of section seven of the *Wheat Export Charge Act 1958* or otherwise, an amount paid as charge by the Board or by any other person is repayable to the Board or to that person, the repayment shall be made out of the Consolidated Revenue Fund, which is appropriated accordingly.

(8.) Where an amount has been paid into the Fund in respect of an amount paid as charge that is later repaid under the last preceding sub-section, an amount equal to the amount repaid shall be—

(a) deducted from further amounts otherwise payable into the Fund; or

(b) paid out of the Fund into the Consolidated Revenue Fund.

(9.) Nothing in this section shall be taken to prevent the payment of moneys into or out of the Fund in accordance with the provisions of section twenty-seven of the *Wheat Industry Stabilization Act 1954*, as continuing to apply by virtue of sub-section (2.) of section three of this Act.

**Refunds from
Fund.**

28.—(1.) Where the moneys standing to the credit of the Wheat Prices Stabilization Fund at any time exceed Twenty million pounds, the excess shall, subject to sub-section (4.) of this section, be paid by the Treasurer to the Board out of the Fund.

(2.) After the last season in relation to which this Act applies, and after the making of all other payments required or permitted to be made out of the Fund, the moneys standing to the credit of the Fund shall be paid by the Treasurer to the Board out of the Fund.

(3.) Each payment out of the Fund to the Board under this section shall be made by way of refund of charge in respect of wheat of a season, but so that a payment shall not be made in relation to a season before payment has been made of an amount or amounts representing the whole of the amount of charge in respect of wheat of every earlier season.

(4.) The Treasurer is not obliged to make a payment under sub-section (1.) of this section in relation to a season where the amount available for the payment is not sufficient to represent, together with any previous such payment, the whole of the amount of charge in respect of wheat of that season, except at the request of the Minister, made upon the recommendation of the Board.

(5.) The Board shall apply any moneys that are paid to it under this section in relation to a season as if they were part of the proceeds of the disposal by the Board of the wheat of that season delivered to the Board.

(6.) A payment shall not be made under sub-section (2.) of this section if the Minister has informed the Treasurer that a scheme for the stabilization of the wheat industry in seasons after the last season in respect of which this Act applies has been agreed to by, or is under discussion between, the Government of the Commonwealth and the Governments of the States, and that the moneys remaining in the Fund are or may be needed for the purposes of the scheme.

(7.) For the purposes of this section, the amount of charge in respect of wheat of a season shall be deemed to be the amount that has been paid into the Fund in respect of charge collected under the *Wheat Export Charge Act 1954* or the *Wheat Export Charge Act 1958* in respect of wheat of that season, together with such amount in respect of interest accrued to the Fund as the Treasurer thinks just.

(8.) In this section, "season" means the season that commenced on the first day of October, One thousand nine hundred and fifty-three, or a later season.

29. A member of the Board is not personally liable for an act of the Board or of the member acting as such. Indemnity.

30.—(1.) The Board may appoint such officers as are necessary to assist the Board in carrying out its functions. Appointment of officers.

(2.) Officers appointed in pursuance of this section are not subject to the *Public Service Act* 1922–1958 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.

(3.) A person employed by the Board immediately before the commencement of this Act shall be deemed to have been appointed under this section.

(4.) Where an officer appointed or deemed to be appointed in pursuance of this section was, immediately before his appointment as an officer of the Board (or, in the case of an officer who, immediately before that appointment, was an officer of the Australian Wheat Board established by the National Security (Wheat Acquisition) Regulations, immediately before his appointment as an officer of the last-mentioned Board), an officer of the Public Service of the Commonwealth—

- (a) he retains his existing and accruing rights;
- (b) for the purpose of determining those rights, his service as an officer of the Board, or as an officer of each of those Boards, as the case may be, shall be taken into account as if it were service in the Public Service of the Commonwealth; and
- (c) the *Officers' Rights Declaration Act* 1928–1953 applies as if this Act and this section had been specified in the Schedule to that Act and as if service as an officer of the Australian Wheat Board established by the National Security (Wheat Acquisition) Regulations, and service as an officer of the Board before the commencement of this Act, had been service under this Act.

**Remuneration
and allowances.**

31.—(1.) A member of the Board is entitled to such salary, fees and allowances (if any) as the Governor-General directs.

(2.) There shall be payable to a 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 amounts 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 remuneration payable to that authority as such a receiver shall be as agreed between the Minister and the appropriate Minister of the State concerned.

Audit.

32. The accounts of the Board are subject to audit by the Auditor-General for the Commonwealth.

33.—(1.) It is hereby declared to be the intention of the Parliament that the operation of a provision of a law of a State that confers a power, right or function, or imposes an obligation, liability or duty, that is also conferred or imposed by this Act, or that is a provision that can operate without prejudice to the operation of this Act, shall not be prevented or limited by reason of the provisions made by this Act. Operation of State laws.

(2.) The Board is subject (without express mention) to a law of a State fixing, or providing for the fixing, of prices for the sale of wheat, except in relation to sales of wheat for export, and to any other law of a State that is expressly applicable to the Board.

34. A person who contravenes or fails to comply with a provision of this Act for which no other penalty is provided is guilty of an offence punishable by a fine not exceeding One hundred pounds or imprisonment for a term not exceeding six months. Offences.

35.—(1.) 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 making provision for or in relation to— Regulations.

- (a) the conduct of the proceedings of the Board;
- (b) the qualifications of candidates and of voters at elections for the purposes of this Act, the system of voting and all other matters connected with those elections;
- (c) the repeal or amendment of all or any of the provisions of the National Security (Wheat Acquisition) Regulations, but so that any such amendment shall be in respect of a matter dealt with by those Regulations; and
- (d) penalties not exceeding a fine of One hundred pounds or imprisonment for six months, or both, for offences against the regulations.

(2.) The Wheat Marketing (Election of Board) Regulations in force immediately before the commencement of this Act for the purposes of the *Wheat Industry Stabilization Act 1954* continue in force for the purposes of this Act, but may be amended or repealed by regulations made under this Act, and all things done for a purpose of that Act under those Regulations before the commencement of this Act shall be deemed to have been done for the corresponding purpose of this Act after the commencement of this Act.

36. This Act does not apply in relation to wheat harvested after the thirtieth day of September, One thousand nine hundred and sixty-three. Application of Act.