

Wheat Industry Stabilization Act 1973

No. 159 of 1973

AN ACT

To amend the *Wheat Industry Stabilization Act 1968-1970*.

[Assented to 3 December 1973]

BE IT ENACTED by the Queen, the Senate and the House of Representatives of Australia, as follows:—

Short title
and citation.

1. (1) This Act may be cited as the *Wheat Industry Stabilization Act 1973*.

(2) The *Wheat Industry Stabilization Act 1968-1970** is in this Act referred to as the Principal Act.

(3) The Principal Act, as amended by this Act, may be cited as the *Wheat Industry Stabilization Act 1968-1973*.

Commence-
ment.

2. This Act shall come into operation, or shall be deemed to have come into operation, as the case requires, on a date to be fixed by Proclamation, which may be a date earlier than the day on which this Act receives the Royal Assent.

Parts.

3. Section 3 of the Principal Act is repealed.

* Act No. 97, 1963, as amended by No. 38, 1970.

4. Section 5 of the Principal Act is amended by omitting the definition of "quota season" and substituting the following definition:—
 " 'quota season' means the season that commenced on 1 October 1969 or any of the next four succeeding seasons;". Definitions.
5. Section 6 of the Principal Act is amended—
 (a) by omitting from sub-section (1) the word "six" and substituting the word "seven"; and
 (b) by omitting from sub-section (2) the word "four" and substituting the word "five". Seasons to which Act applies.
6. Section 6A of the Principal Act is repealed. Proclamation of quota seasons.
7. Section 7 of the Principal Act is amended by adding at the end thereof the following sub-section:—
 "(4) For the purposes of this Act, the guaranteed price of wheat of the season that commenced on 1 October 1973 is Fifty-eight dollars seventy-nine cents per tonne." Guaranteed price.
8. Section 21A of the Principal Act is amended by adding at the end thereof the following sub-section:—
 "(5) In exercising its powers under sub-section (4) of section 21 in respect of wheat of the quota season that commenced on 1 October 1973, the Board may have regard to the possibility that the Australian wheat quota originally determined for that season for the purposes of the laws of the States providing for the fixing of wheat quotas may be increased by a quantity not exceeding 544,311 tonnes." Quota seasons.
9. After section 27 of the Principal Act the following section is inserted:
 "27AA. (1) The price at which, during the year commencing on 1 December 1973, the Board shall, in a Territory, sell wheat for use or consumption in Australia is the appropriate price ascertained in accordance with this section. Home consumption price of wheat for 1973-1974.
 "(2) For the purposes of this section, the Minister shall, after consultation with the appropriate Minister of each State, fix an amount per tonne as the calculated price of wheat of the season that commenced on 1 October 1973 (in this section referred to as 'the calculated price').
 "(3) In fixing the calculated price the Minister shall proceed as if—
 (a) that price were to be the guaranteed price of wheat of the season that commenced on 1 October 1973 and were to be fixed in accordance with sub-section (3) of section 7; and
 (b) the reference in sub-section (1) of section 7 to One dollar forty-five cents per bushel were a reference to Fifty-three dollars twenty-eight cents per tonne.

“(4) Subject to this section, the price per tonne in respect of a whole-sale sale of bulk wheat of fair average quality free on rails at a port of export is the sum of the calculated price and Nine dollars and nineteen cents.

“(5) For the purpose of reimbursing the Board for costs of shipment of wheat to the State of Tasmania, the price applicable under sub-section (4) shall be increased by an amount of Thirty-seven cents per tonne, or, if the Minister has made a determination or determinations under sub-section (6), by the amount applicable in accordance with the latest such determination.

“(6) If the Board, at any time, reports to the Minister that the amounts being received by the Board by reason of the operation of sub-section (5), together with amounts being received under corresponding provisions of the laws of the States, are greater or less than the amounts required to meet the costs of shipment of wheat by the Board to the State of Tasmania, the Minister may determine that the amount per tonne to be added to the price in accordance with sub-section (5) shall be reduced or increased to such extent as he considers necessary.

“(7) The price in respect of a sale other than a sale specified in sub-section (4) is a price per tonne ascertained by adding to or deducting from the price per tonne 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.”.

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

10. Section 27A of the Principal Act is amended—

- (a) by omitting from sub-section (1) the words “the last preceding section” and substituting the words “sections 27 and 27AA”; and
- (b) by omitting from sub-section (1) the words “that section” and substituting the words “section 27 or 27AA”.

Special account for freight to the State of Tasmania.

11. Section 28 of the Principal Act is amended by omitting from sub-section (4) the words “the thirtieth day of September, One thousand nine hundred and seventy-three,” and substituting “30 September 1974”.

Refunds from Fund.

12. Section 32 of the Principal Act is amended by omitting from sub-section (2) the words “the thirtieth day of September, One thousand nine hundred and seventy-three,” and substituting the words “30 September 1974”.

Minor amendments.

13. The Principal Act is amended as set out in the Schedule.

SCHEDULE

Section 13

MINOR AMENDMENTS

1. The following provisions of the Principal Act are amended by omitting the words " of this Act " and " of this section " (wherever occurring):—

Sections 5 (definition of " the guaranteed price "), 6 (2), 7 (3), 9 (6), (7), (8) and (9), 18 (5), 20 (1), 21 (1) and (6), 21A (4), 24 (1), 27 (6), 27A (4), 28 (4), 31 (3) and (5) and 32 (1), (4) and (6).

2. The Principal Act is further amended as set out in the following table:—

Provision	Amendment
Section 4	Omit " the first day of October, One thousand nine hundred and sixty-eight," (wherever occurring), substitute " 1 October 1968 ".
Section 6	Omit " the first day of October, One thousand nine hundred and sixty-eight," (wherever occurring), substitute " 1 October 1968 ".
Section 7 (1)	Omit " the first day of October, One thousand nine hundred and sixty-eight," substitute " 1 October 1968 ".
Section 7 (3)	Omit " the first day of October, One thousand nine hundred and sixty-eight " , substitute " 1 October 1968 ".
Section 18	Add the following sub-section:— " (5a) Where, during the season that commenced on 1 October 1973 or a subsequent season, a person contravenes sub-section (5), the penalty provided in that sub-section does not apply, but that person is guilty of an offence punishable, on conviction, by a fine not exceeding— (a) an amount equal to three times the amount calculated, in respect of the quantity of the wheat in respect of which the offence is committed, at the rate of the guaranteed price of wheat of that season; or (b) if there is no such guaranteed price—an amount calculated in respect of that quantity of wheat at the rate of Twenty dollars for each 100 kilograms or part of 100 kilograms of that quantity of wheat, or imprisonment for a period not exceeding six months, or both."
Section 20	After sub-section (1), insert the following sub-section:— " (1a) Where, during the season that commenced on 1 October 1973 or a subsequent season, a person contravenes sub-section (1), the penalty provided in that sub-section does not apply, but that person is guilty of an offence punishable, on conviction, by a fine not exceeding — (a) an amount equal to three times the amount calculated, in respect of the quantity of the wheat, or of the wheat equivalent of the wheat products, in respect of which the offence is committed, at the rate of the guaranteed price of wheat of that season; or (b) if there is no such guaranteed price—an amount calculated in respect of that quantity of wheat or wheat equivalent at the rate of Twenty dollars for each 100 kilograms or part of 100 kilograms of that quantity of wheat or wheat equivalent, or imprisonment for a period not exceeding six months, or both."
Section 20 (2)	Omit " the last preceding sub-section " , substitute " sub-section (1) " .
Section 21 (2) (b)	Omit " Two and one-half cents per bushel " , substitute " Ninety-two cents per tonne " .
Section 21 (2) (c)	Omit " bushels " , substitute " tonnes " .
Section 21 (7)	(a) Omit " bushel " , substitute " tonne " . (b) Omit " bushels " , substitute " tonnes " .
Section 23 (1)	(c) Omit " Two hundred million " , substitute " 5,443,108 " . Omit " the fifteenth day of September, One thousand nine hundred and sixty-eight " , substitute " 15 September 1968 " .

SCHEDULE—continued

Provision	Amendment
Section 24 (3)	(a) Omit " of this Act " (first occurring). (b) Omit " of this section ".
Section 27 (1)	(a) Omit " the first day of December, One thousand nine hundred and sixty-eight," substitute " 1 December 1968 ".
	(b) Omit " the first day of December, One thousand nine hundred and seventy-three ", substitute " 1 December 1973 ".
Section 27 (2)	(a) Omit " bushel ", substitute " tonne ".
	(b) Omit " One dollar seventy cents ", substitute " Sixty-two dollars forty-six cents ".
Section 27 (3)	Omit " One dollar forty-five cents per bushel ", substitute " Fifty-three dollars twenty-eight cents per tonne ".
Section 27 (4)	Omit " One cent per bushel ", substitute " Thirty-seven cents per tonne ".
Section 27 (5)	Omit " bushel ", substitute " tonne ".
Section 27 (6)	Omit " bushel " (wherever occurring), substitute " tonne ".
Section 27 (7)	Omit " the first day of December, One thousand nine hundred and sixty-eight," substitute " 1 December 1968 ".
Section 27 (8) (a)	Omit " the first day of December, One thousand nine hundred and sixty-eight ", substitute " 1 December 1968 ".
Section 27 (8) (b)	Omit " the next succeeding section ", substitute " section 28 ".
Section 27A	Omit " bushel " (wherever occurring), substitute " tonne ".
Section 27A (5)	Omit " the last preceding section ", substitute " section 27 or sub-section (5) of section 27AA ".
Section 28 (1)	Omit " the last preceding section ", substitute " section 27 and sub-sections (5) and (6) of section 27AA ".
Section 28 (3)	Omit " of this section ".
Section 32 (7A)	Omit " section twenty-one A of this Act ", substitute " section 21A ".
Section 32 (8)	Omit " the first day of October, One thousand nine hundred and sixty-eight," substitute " 1 October 1968 ".