

WHEAT INDUSTRY STABILIZATION AMENDMENT ACT 1978

No. 165 of 1978

An Act to amend the *Wheat Industry Stabilization Act 1974*.

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

Short title,
&c.

1. (1) This Act may be cited as the *Wheat Industry Stabilization Amendment Act 1978*.¹

(2) The *Wheat Industry Stabilization Act 1974*² is in this Act referred to as the Principal Act.

Commence-
ment

2. This Act shall come into operation on the day on which it receives the Royal Assent.¹

Interpret-
ation

3. Section 4 of the Principal Act is amended—

(a) by omitting the definition of “licensed receiver” and substituting the following definition:

“ ‘licensed receiver’ means a State corporation licensed by the Board to receive wheat on behalf of the Board; ”; and

(b) by inserting after the definition of “State Board” the following definition:

“ ‘State corporation’ means any of the following bodies corporate:

(a) The Grain Elevators Board of New South Wales constituted under the *Grain Elevators Act, 1954* of New South Wales;

(b) the Grain Elevators Board incorporated by the *Grain Elevators Act 1934* of Victoria and constituted under the *Grain Elevators Act 1958* of that State;

(c) the State Wheat Board constituted under the *Wheat Pool Act, 1920 to 1972* of Queensland;

(d) South Australian Co-operative Bulk Handling, Limited incorporated and registered under the *Companies Act, 1962-1974* of South Australia;

(e) Co-operative Bulk Handling Limited incorporated and deemed to be registered under the *Companies Co-operative Act, 1943-1976* of Western Australia;

- (f) the Tasmanian Grain Elevators Board constituted under the *Grain Reserve Act* 1950-1966 of Tasmania;”.

4. (1) Section 19 of the Principal Act is amended—

Licensed
receivers

- (a) by omitting from sub-section (1) “person, firm, company or authority of a State” and substituting “State corporation”;
- (b) by omitting sub-section (2); and
- (c) by adding at the end thereof the following sub-section:

“(4) A licensed receiver may carry on operations as such a receiver by means of, and on the premises of, an agent of the licensed receiver, being such an agent approved by the Board.”.

(2) Notwithstanding the amendments made by sub-section (1), a licence in force under section 19 of the Principal Act immediately before the commencement of this section continues in force as if granted under section 19 of the Principal Act, as amended by this Act.

(3) Where a licence continued in force by sub-section (2) is held by a State corporation within the meaning of the *Wheat Industry Stabilization Act* 1974, that licence shall not be cancelled or suspended without the consent of the State corporation.

5. (1) Section 24 of the Principal Act is amended—

Price to be
paid for
wheat

- (a) by omitting paragraphs (b) and (c) of sub-section (2) and substituting the following paragraphs:

“(b) deducting from the amount so ascertained an amount determined by the Board having regard to the extent to which freight charges per tonne in respect of the export of wheat of that season from the State of Western Australia to places outside Australia are lower than freight charges per tonne in respect of the export of wheat of that season from other places in Australia 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 quantity of wheat so delivered by each such person, with proper allowance, where appropriate, in respect of each such person in relation to the wheat so delivered by him, for—

- (i) the quality of that wheat;
- (ii) where that wheat is not wheat delivered in Victoria or Western Australia and is wheat of a prescribed class—the characteristics of the variety or varieties of wheat included in that

class and the place at which that wheat was delivered to the Board;

- (iii) charges by the Board in respect of the cost to the Board of remuneration payable under section 40 to the licensed receiver to whom that wheat was delivered;
- (iv) charges by the Board in respect of costs of the transport of that wheat to a terminal port from the place at which that wheat was delivered to the Board;
- (v) where that wheat was delivered to the Board in corn sacks—the corn sacks in which that wheat was so delivered and any additional costs incurred by the Board in the handling and storage of that wheat; and
- (vi) other necessary adjustments.”; and

(b) by inserting after sub-section (2) the following sub-section:

“(2A) In sub-paragraph (2) (c) (ii) ‘prescribed class’, in relation to wheat, means—

- (a) where the wheat is delivered in a Territory—a class of wheat determined by the Board; or
- (b) in any other case—a class of wheat determined by the appropriate Minister of the State in which the wheat is delivered,

being a class determined by reference to a variety or varieties of wheat, whether or not it is also determined by reference to another criterion or other criteria.”.

(2) The amendments made by sub-section (1) apply in relation to wheat of the season that commenced on 1 October 1978 and wheat of every season thereafter.

Remuneration and allowances of licensed receivers

6. (1) Section 40 of the Principal Act is amended—

- (a) by omitting from sub-section (1) “the Minister, on the recommendation of the Board, from time to time determines” and substituting “are agreed, from time to time, between the Board and the licensed receiver”; and
- (b) by omitting sub-section (2).

(2) Notwithstanding the amendments made by sub-section (1), any agreement in force under sub-section 40 (2) of the Principal Act immediately before the commencement of this section continues in force after the commencement of this section in accordance with its terms but may be varied or revoked by agreement of the parties.

(3) Any payment of remuneration made after the commencement of this section under an agreement referred to in sub-section (2) shall, for the purposes of the *Wheat Industry Stabilization Act 1974*, be deemed to be a payment of remuneration payable under section 40 of that Act.

NOTES

1. Act No. 165, 1978; assented to 28 November 1978.
2. Act No. 62, 1974, as amended. For previous amendments *see* Acts Nos. 28 and 37, 1976; and No. 36, 1978.