

Wheat Marketing Act 1979

No. 166 of 1979

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SCHEDULE

Wheat Marketing Act 1979

No. 166 of 1979

An Act relating to the marketing of wheat, and for other purposes.

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

PART I—PRELIMINARY

- Short title 1. This Act may be cited as the *Wheat Marketing Act 1979*.¹
- Commence-
ment 2. This Act shall come into operation on the day on which it receives the Royal Assent.¹
- Repeal and
saving 3. (1) The following Acts are repealed:
 Wheat Industry Stabilization Act 1974
 Wheat Industry Stabilization Amendment Act 1976
 Wheat Industry Stabilization Amendment Act 1978
 Wheat Industry Stabilization Amendment Act 1979
 Wheat Export Charge Act 1974
 Wheat Export Charge Amendment Act 1976.
- (2) Notwithstanding the repeals effected by sub-section (1) but subject to sub-section (3), any provisions of an Act that would, but for that repeal, have continued to apply to, or in relation to, wheat delivered to the Board before 1 October 1979 continue so to apply.
- (3) A reference in any of the provisions referred to in sub-section (2) to the Australian Wheat Board 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) A determination of the Minister in force under sub-section 37 (4) of the *Wheat Industry Stabilization Act 1974* immediately before the commencement of this Act remains in force after the commencement of this Act as if it were a determination of the Minister published in the *Gazette* under sub-section 53 (4) of this Act.
- (5) Notwithstanding the repeal of the *Wheat Industry Stabilization Amendment Act 1978* effected by sub-section (1), any agreement continued in force by sub-section 6 (2) of that Act continues in force after the commencement of this Act in accordance with its terms but may be varied or revoked by agreement of the parties.

(6) Any payment of remuneration made after the commencement of this Act under an agreement referred to in sub-section (5) shall, for the purposes of this Act, be deemed to be a payment of remuneration payable under section 55 of this Act.

4. (1) In this Act, unless the contrary intention appears—

Interpretation

“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;

“Australian standard white wheat” means wheat other than—

(a) wheat that, having regard to its general characteristics, is classified by or on behalf of the Board, for the purposes of this definition, as being included in a particular category of wheat; or

(b) wheat that is classified by or on behalf of the Board, for the purposes of this definition, as having a quality defect;

“authorized person” means a person appointed under section 58 for the purposes of the provision in which the expression occurs;

“authorized receiver” means a State corporation authorized to receive wheat on behalf of the Board under section 13 or under a corresponding provision of a State Act;

“Board” means the Australian Wheat Board continued in existence by this Act;

“Chairman” means the Chairman of the Board;

“Fund” means the Wheat Finance Fund continued in existence by sub-section 40 (1);

“guaranteed minimum price” means a guaranteed minimum price determined by the Minister under section 8;

“member” means a member of the Board, and includes the Chairman;

“net pool return” means a net pool return determined by the Minister under section 9;

“net pool return rate” means a net pool return rate determined by the Minister under section 10;

“quota season” means a season declared by Proclamation under section 5 to be a quota season;

“Reserve Bank” means the Reserve Bank of Australia;

“season” means the period of 12 months that commenced on 1 October 1979 and each of the next 6 succeeding periods of 12 months;

“security” includes a bill of exchange, promissory note or unsecured note or any similar instrument or document;

“State Act” means a State Act relating to the marketing of wheat;

“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;

“Territory” means an internal Territory;

“wheat” does not include wheat harvested after 30 September 1986;

“Wheat Levy Acts” means the *Wheat Levy Act (No. 1)* 1979 and the *Wheat Levy Act (No. 2)* 1979;

“wheat products” means a substance (other than bran or pollard) produced by the gristing, crushing, grinding, milling or other processing of wheat, and includes—

- (a) any of the following products made from wheat, namely, flour, semolina, sharps, wheatmeal, starch, gluten, rice substitutes and breakfast foods;
- (b) except as otherwise provided by the regulations, any of the following products, namely, biscuits, cake mixes, pet foods, poultry foods and stock foods; and
- (c) any other commodity—
 - (i) that is produced mainly from wheat products or from wheat; or
 - (ii) that is produced partly from wheat products or from wheat and is declared by the regulations to be a wheat product for the purposes of this Act;

“Wheat Tax Acts” means the *Wheat Tax Act* 1957 and the *Wheat Tax Act* 1979.

(2) A reference in this Act to wheat of a season shall be read as a reference to—

- (a) wheat harvested during that season; or
- (b) wheat harvested before 1 October 1979 and acquired by the Board under this Act or under a State Act during that season.

(3) A reference in this Act to dealing with a security shall be read as a reference to anything done in relation to a security under sub-section 44 (3).

(4) A reference in this Act to wheat shall be read as including a reference to the corn sacks (if any) in which the wheat is at the relevant time.

(5) A reference in this Act to wheat acquired by the Board under an Act (whether this Act or a State Act) shall be read as a reference to wheat that, on or after 1 October 1979, has become the property of the Board by force of that Act or of an Act repealed by that Act.

5. The Governor-General may, by Proclamation published in the *Gazette* before 1 April next preceding the season concerned, declare any of the 4 seasons next following the season that commenced on 1 October 1979 to be a quota season for the purposes of this Act. Quota
seasons

PART II—AUSTRALIAN WHEAT BOARD

6. (1) The Australian Wheat Board that was, immediately before the commencement of this Act, in existence by virtue of the *Wheat Industry Stabilization Act* 1974 is, by force of this section and subject to this Act, continued in existence for the purposes of this Act. Australian
Wheat
Board

(2) The Board is 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 common 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, communication or instrument given or made by the Board shall be sufficiently authenticated if signed by the Chairman on behalf of the Board, and a notice, authority, communication or instrument so signed shall, in the absence of proof to the contrary, be deemed to have been given or made with the authority of the Board.

PART III—GENERAL POWERS OF THE MINISTER

Interpretation

7. In this Part, a reference to wheat acquired by the Board shall be read as a reference to wheat so acquired under this Act or a State Act.

Guaranteed minimum price

8. (1) For the purposes of this Act, the Minister shall determine the guaranteed minimum price for wheat of a season acquired by the Board in accordance with this section.

(2) Subject to sub-section (5), the guaranteed minimum price for wheat of a season shall be determined by—

- (a) taking the net pool return for wheat of that season, and of the two preceding seasons, determined, if required, in accordance with section 9 as modified by the operation of sub-section (3) of this section;
- (b) adjusting those net pool returns in such manner as the Minister, on the advice of the Board, considers appropriate for the purpose of giving them the value that they would have if all the wheat to which they relate had been Australian standard white wheat;
- (c) dividing each of those net pool returns, as so adjusted, by the number of tonnes of wheat to which it relates;
- (d) taking an average of the amounts per tonne calculated in accordance with paragraph (c); and
- (e) deducting from that average an amount per tonne equal to 5% of the amount of that average.

(3) For the purposes of sub-section (2)—

- (a) section 9 operates in relation to the Minister as if a reference in that section to a season included a reference to each of the following periods regarded as a season:
 - (i) the year that commenced on 1 October 1977;
 - (ii) the year that commenced on 1 October 1978; and
- (b) the Minister shall determine the net pool return for wheat of a season in accordance with section 9 notwithstanding that the season has not commenced or ended or that all relevant information in relation to the season is not to hand, and, for that purpose, the Minister may make any necessary estimates having regard to any advice or information furnished to him by the Board or the Bureau of Agricultural Economics and use those estimates for the purposes of that section.

(4) A net pool return determined in accordance with section 9 as modified by the operation of sub-section (3) of this section with a view to its use for the purpose of determining the guaranteed minimum price for wheat of a particular season shall be used only for that purpose and shall be disregarded for any other purpose.

(5) The guaranteed minimum price for wheat of a season (other than the season that commenced on 1 October 1979) shall not be greater than 115%, and shall not be less than 85%, of the guaranteed minimum price for wheat of the immediately preceding season.

(6) Where the Minister has determined the guaranteed minimum price for wheat of a season, he shall publish in the *Gazette* a notice specifying the price so determined.

(7) In this section, "season" does not include the season commencing on 1 October 1984 or the next succeeding season.

9. (1) For the purposes of this Act, the Minister shall determine the net pool return for wheat of a season acquired by the Board by—

Net pool
return

- (a) ascertaining the net proceeds of the disposal by the Board of all wheat of that season so acquired; and
- (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 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.

(2) Subject to sub-section (3), the net proceeds of the disposal of wheat of a season shall, for the purposes of this section, be deemed to be the net return from the disposal of that wheat after deducting any costs incurred by the Board, to the extent that they relate wholly to wheat of that season, or are reasonably allocated by the Board to wheat of that season, and will not be covered by charges referred to in sub-section 21 (2) or in the corresponding provision of a State Act.

(3) In ascertaining the net proceeds of the disposal of wheat of a season—

- (a) moneys received by the Board under a policy of insurance in respect of wheat of that season, or in respect of a transaction in relation to any such wheat, shall be deemed to be a return from the disposal of that wheat;
- (b) amounts paid by the Board in respect of expenses referred to in sub-section 55 (2) shall be deemed to be costs referred to in sub-section (2) of this section;
- (c) there shall be taken into account such of the payments made or received by the Board in accordance with sub-section 12 (4) as the Board considers may equitably be related to wheat of that season;
- (d) no account shall be taken of moneys to which section 27, or a corresponding provision of a State Act, applies or of costs of the Board payable out of those moneys; and

- (e) where the price of wheat received by the Board under a contract of sale entered into under section 19, or under a corresponding provision of a State Act, includes an excess referred to in subsection 19 (6) or in a corresponding provision of a State Act—no account shall be taken of that excess.

Net pool
return rate

10. (1) For the purposes of this Act, the Minister shall determine the net pool return rate for wheat of a season acquired by the Board by dividing the net pool return for wheat of that season by the number of tonnes of that wheat acquired by the Board.

(2) Where the Minister has determined the net pool return rate for wheat of a season, he shall publish in the *Gazette* a notice specifying the rate so determined.

Directions
by Minister

11. 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.

PART IV—MARKETING OF WHEAT

Powers of
Board

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

- (a) purchase wheat and wheat products;
- (b) accept the delivery of wheat to it;
- (c) sell or dispose of, or make arrangements for the sale or disposal of, wheat and wheat products;
- (d) require, in circumstances where the Board considers it appropriate, a purchaser of wheat from the Board to give to the Board a guarantee or other security for the payment of the purchase price of the wheat;
- (e) grist or arrange for the gristing of wheat, and sell or otherwise dispose of the products of the gristing;
- (f) manage and control all matters connected with, or arising out of, the handling, storage, protection, treatment, transfer, shipment or sale of wheat or other things purchased or otherwise acquired by the Board or sold or otherwise disposed of by the Board; and
- (g) do all things that the Board is required or permitted by this Act to do or that are incidental to the exercise of the foregoing powers or are necessary or convenient to be done by the Board for giving effect to this Act.

(2) Except with the approval of the Minister, the Board shall not enter into a contract or agreement in connection with the purchase of

real or personal property, not being wheat or wheat products, for an amount exceeding \$100,000 or, if a higher amount is prescribed for the purposes of this sub-section, that higher amount.

(3) For the purposes of this Act, the Board is not bound to preserve the identity of wheat of a season and may keep its accounts and records in respect of sales of wheat and wheat products, and the export of wheat and wheat products, in such manner as will, in its judgment, attribute sales and exports to wheat of different seasons in an equitable manner, and sales and exports so attributed to wheat of a season shall be deemed to relate to wheat of that season.

(4) Where a person other than the Board exports, or proposes to export, wheat products, the Board may—

- (a) pay to that person such amount as, subject to any relevant agreement made by the Board, the Board thinks fit having regard to selling prices of the Board for wheat sold for export and for wheat sold otherwise than for export, respectively; or
- (b) in accordance with the *Wheat Products Export Adjustment Act 1974*, obtain a payment from that person.

(5) Where—

- (a) an authority established by a law of a State owns, or is in possession of, grain (other than wheat); and
- (b) that authority requests the Board to export the grain on behalf of that authority,

the Board may—

- (c) export the grain on behalf of that authority;
- (d) accept payment from that authority of such amounts as are agreed between the Board and that authority as remuneration for the services of the Board, for facilities made available by the Board and for expenses incurred by the Board, in connection with the export of the grain; and
- (e) use any moneys paid to the Board under paragraph (d) as remuneration for services and facilities made available, and for expenses incurred, by the Board during a season to offset the costs incurred by the Board in relation to wheat of that season.

13. (1) Each State corporation is authorized to receive wheat on behalf of the Board. Authorized receivers

(2) An authorized receiver may carry on operations as such a receiver by means of, and on the premises of, an agent of the authorized receiver, being such an agent approved by the Board.

14. The Board may 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 for in the agreement. Overseas agents

Delivery of
wheat in a
Territory

15. (1) Subject to this act, a person who is in possession of wheat in a Territory may deliver that wheat to the Board.

(2) Subject to this section, the Board may—

- (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* and addressed to persons generally or to persons included in a class of persons,

require the person, or each person, as the case may be, to whom the notice is addressed—

- (c) to deliver to the Board, in accordance with any directions in the notice, wheat that is in the possession of that person in a Territory; or
- (d) to deliver to the Board, in accordance with any directions in the notice, wheat that, during such period as is specified in the notice, comes into the possession of that person in a Territory.

(3) Upon delivery of wheat to the Board under this section, the wheat becomes the absolute property of the Board, freed from all mortgages, charges, liens, pledges, interests and trusts.

(4) A notice under sub-section (2) shall not require the delivery to the Board of—

- (a) wheat retained by the grower for use on the farm where it is grown;
- (b) wheat retained for use on a farm to which it has been moved under a permit under section 18; or
- (c) wheat that has been sold by the Board.

(5) A person shall not—

- (a) without reasonable excuse, refuse or fail to deliver wheat to the Board as required by a notice under sub-section (2); or
- (b) deliver to the Board wheat that has previously been sold by the Board.

Penalty: \$1,000 in the case of a person not being a body corporate, or \$2,000 in the case of a body corporate.

Delivery to
authorized
receiver

16. (1) Delivery of wheat to the Board may be made by delivering the wheat to an authorized receiver and not otherwise, and the delivery is not effective unless and until the delivery is accepted by the authorized receiver.

(2) An authorized receiver shall, in relation to the acceptance, or refusal of acceptance, on behalf of the Board, of the delivery of wheat in a Territory in a quota season, comply with any directions of the Board that have regard to quotas that are applicable under laws of all or any of the States providing for the fixing of wheat quotas, including a law of a State

providing for the fixing of quotas in respect of wheat grown in a Territory.

(3) Nothing in this Act shall be taken to affect the operation of a provision of a law of a State with respect to the acceptance, or refusal of acceptance, by an authorized receiver of the delivery of wheat.

(4) A person who delivers wheat to an authorized receiver shall, at the time of the delivery of the wheat, furnish to the authorized receiver—

- (a) a declaration in writing signed by him stating, to the best of his knowledge and belief, the variety of the wheat so delivered; and
- (b) a statement in writing signed by him of the names and addresses of all persons known by him to have, or to claim, an interest in the wheat, or in the payment to be made for the wheat, and of all particulars known to him of those interests.

Penalty for contravention of this sub-section: \$200.

17. (1) A person who has in his possession in a Territory—

- (a) seed wheat; or
- (b) inferior wheat that would not be acceptable if it were delivered to the Board,

Act not to
apply to
certain
wheat

may, by notice served by post on the Board, notify the Board accordingly.

(2) Where, on receipt by the Board of a notice by a person under sub-section (1), an authorized person is satisfied that the wheat to which the notification relates is wheat of a kind referred to in that sub-section, the authorized person may, on behalf of the Board, issue to the first-mentioned person a declaration that this Act does not apply to that wheat.

(3) A declaration under sub-section (2) shall be in writing and shall specify—

- (a) the name and address of the person to whom the declaration is issued;
- (b) the quantity, and the grade, of the wheat to which the declaration applies;
- (c) the address of the place where the wheat is when the declaration is issued;
- (d) the date of the issue of the declaration; and
- (e) such other particulars as the Board specifies from time to time.

18. (1) A person who has wheat in his possession on a farm in a Territory may, by notice served by post on the Board, notify the Board that he wishes to deliver the wheat to a miller for gristing with the object of having the produce of the gristing returned to the farm for use on the farm.

Permits for
movement of
wheat

(2) On receipt by the Board of a notice by a person under sub-section (1), an authorized person may, on behalf of the Board, issue to the person a permit for the movement of the wheat from the farm to the mill and the movement of the produce of the gristing from the mill to the farm.

(3) A person who has wheat in his possession in a Territory on the farm on which the wheat was grown may, by notice served by post on the Board, notify the Board that he wishes to move the wheat from that farm to an associated farm.

(4) Where, on receipt by the Board of a notice by a person under sub-section (3), an authorized person is satisfied that—

- (a) the farms to which the notification relates are associated farms; and
- (b) the proposed movement of the wheat to which the notice relates would not detrimentally affect the orderly marketing of wheat by the Board in accordance with this Act,

the authorized person may, on behalf of the Board, issue to the first-mentioned person a permit for the movement of the wheat from one farm to the other.

(5) A permit under this section shall be in writing and shall specify—

- (a) the name and address of the person to whom the permit is issued;
- (b) the quantity of the wheat to which the permit applies;
- (c) the date of the issue of the permit;
- (d) in the case of a permit issued under sub-section (2)—
 - (i) the address of the farm where the wheat is at the time of the issue of the permit; and
 - (ii) the address of the miller who is to grind the wheat;
- (e) in the case of a permit issued under sub-section (4)—
 - (i) the address of the farm where the wheat is at the time of the issue of the permit; and
 - (ii) the address of the farm to which the wheat is to be moved; and

(f) such other particulars as the Board specifies from time to time.

(6) For the purposes of this section, two farms shall be deemed to be associated farms if—

- (a) they are owned, operated or controlled by the same person or the same partnership;
- (b) each of them is owned, operated or controlled by a partnership and the two partnerships have at least one common partner;
- (c) one of them is owned, operated or controlled by a person and the other is owned, operated or controlled by a partnership of which that person is a member; or

- (d) they are, in some other manner, so associated with the same person that the Board is of the opinion that they should be treated as associated farms for the purposes of this section.

19. (1) Where a person (in this section referred to as “the offeror”) offers to purchase for use or consumption in Australia wheat that is in the possession of another person (in this section referred to as “the grower”) in a Territory, the grower may, by notice served by post on the Board, notify the Board accordingly.

Notification
of offer to
purchase
wheat

(2) A notice under sub-section (1) shall be in accordance with a form approved by the Board and shall specify—

- (a) the name and address of the grower;
- (b) the name and address of the offeror;
- (c) the quantity, the grade and the variety of the wheat to which the offer made by the offeror relates;
- (d) the terms and conditions (including the price) of the offer made by the offeror; and
- (e) such other information as is required by the notice.

(3) Where, on the receipt by the Board of a notice under sub-section (1), an authorized person is satisfied—

- (a) that the terms and conditions of the offer made by the offeror are satisfactory and, in particular, that the price set out in the offer is not less than the price that would be the appropriate price for the wheat in accordance with section 26 if the wheat were to be sold by a contract of sale to which that section applied; and
- (b) where a condition of the offer provides for the delivery of the wheat by the grower—that the price includes any charge to be paid by the offeror for that delivery,

the authorized person may authorize the grower, in writing, to accept the offer on behalf of the Board.

(4) On the receipt by the grower of an authority under sub-section (3), the grower shall set aside wheat for sale in accordance with that authority and, thereupon, the wheat so set aside becomes the absolute property of the Board, freed from all mortgages, charges, liens, pledges, interests and trusts.

(5) A contract for the sale of wheat entered into by the grower, on behalf of the Board, under an authorization given under sub-section (3) shall provide that the amount of the price for the wheat shall be paid directly to the Board.

(6) Where the price received by the Board under a contract of sale of wheat entered into under this section exceeds the price that would be the appropriate price for the wheat in accordance with section 26 if the

wheat had been sold by a contract of sale to which that section applied, the Board shall pay to the grower an amount equal to that excess.

(7) A contract for the sale of wheat under this section shall not be entered into in a year other than a year in relation to which section 26 operates.

Unauthor-
ized dealings
with wheat

20. (1) Except as provided by section 15 or in accordance with a permit under section 18 or an authority under section 19 or with the consent in writing of the Board—

- (a) a person shall not sell or deliver to a person or transfer to a person the possession of, or take into his possession, or grist or otherwise process, or mix with any other grain or substance, wheat in a Territory, other than wheat that has been sold by the Board;
- (b) a person shall not move wheat in a Territory, or cause or permit wheat in a Territory to be moved, from the farm where the wheat was grown or from the farm or other place to which the wheat has been moved in accordance with a permit under section 18;
- (c) where wheat has been sold by the Board under a contract of sale entered into in a Territory, being a contract that specifies a purpose for which the wheat is to be used—the purchaser under the contract of sale shall not use the wheat for any other purpose; or
- (d) where wheat products have been produced at a place in a Territory from wheat that has been grown at that place or has been moved to that place in accordance with a permit under section 18—a person shall not move those wheat products from that place.

Penalty: \$1,000 in the case of a person not being a body corporate, or \$2,000 in the case of a body corporate.

(2) Paragraph (1) (a) does not prohibit the use of wheat on a farm on which the wheat was grown or at a place to which the wheat has been moved in accordance with a permit under section 18.

(3) Except with the consent in writing of the Board, a person shall not export wheat or wheat products.

Penalty: \$1,000 in the case of a person not being a body corporate, or \$2,000 in the case of a body corporate.

(4) The prohibition of export contained in sub-section (3) is in addition to, and not in substitution for, any prohibition contained in regulations (whether made before or after the commencement of this Act) in force under the *Customs Act* 1901.

21. (1) Where wheat of a season is acquired by the Board under this Act, the Board shall make an advance payment for that wheat of an amount determined in accordance with sub-section (2).

Advance payment for wheat of season other than last two seasons

(2) An advance payment in respect of wheat under sub-section (1) is an amount calculated at the guaranteed minimum price for wheat of the season concerned increased or decreased, as the case may be, by such allowances as the Board considers proper for—

- (a) the quality of the wheat;
- (b) where the wheat is wheat of a prescribed class—the characteristics of the variety or varieties of wheat included in that class and—
 - (i) where the wheat was delivered to the Board under section 15—the place at which the wheat was so delivered; or
 - (ii) in any other case—the place at which, if the wheat had been delivered to the Board under section 15, it would, in the opinion of the Board, have been so delivered;
- (c) where the wheat was delivered to the Board under section 15—
 - (i) charges by the Board in respect of costs of the transport of the wheat to a terminal port from the place at which the wheat was so delivered;
 - (ii) charges by the Board in respect of so much of the cost to the Board of remuneration payable under section 55 to the authorized receiver to whom the wheat was so delivered as is applicable to the wheat; and
 - (iii) the corn sacks (if any) in which the wheat was so delivered and any additional costs incurred by the Board in the handling and storage of the wheat;
- (d) where the wheat was not delivered to the Board under section 15—
 - (i) charges that the Board would have made if the wheat had been delivered to the Board under section 15 in respect of the cost of the transport of the wheat from the place at which, in the opinion of the Board, the wheat would have been so delivered to the appropriate terminal port in relation to that place;
 - (ii) charges by the Board in respect of so much of the cost to the Board of that proportion of the remuneration payable under section 55 to the authorized receiver at the place referred to in sub-paragraph (i) that is specified in a notice from the authorized receiver to the Board under the relevant provision of the State Act as would be applicable to the wheat if the wheat had been delivered to the authorized receiver at that place; and

- (iii) the corn sacks (if any) in which the wheat was when acquired by the Board;
- (e) where the wheat was delivered to the Board after the day (if any) declared under sub-section 25 (1) to be the final delivery day for the season—charges by the Board in respect of administrative costs incurred by the Board in respect of the wheat that are additional to the administrative costs that would have been incurred if the wheat had been delivered before that day; and
- (f) other necessary adjustments.

(3) In paragraph (2) (b) “prescribed class”, in relation to wheat, means a class of wheat determined by the Board, being a class so determined by reference to a variety or varieties of wheat, whether or not it is also so determined by reference to another criterion or other criteria.

(4) The Board may, with the approval of the Minister, make advances to a person on account of advance payments referred to in sub-section (1).

(5) The rate at which an advance under sub-section (4), being an advance in respect of wheat of any season after the season that commenced on 1 October 1979, is calculated shall not be greater than 85% of the guaranteed minimum price for wheat of the immediately preceding season.

(6) An advance payment under sub-section (1) in respect of wheat shall be reduced by an amount equal to the aggregate of—

- (a) the amount of any advance under sub-section (4); and
- (b) the amount of any advance payment made by the Board under an Act repealed by this Act,

in respect of that wheat.

(7) The obligation of the Board under this section in respect of any wheat is subject to the operation of the Wheat Tax Acts and the Wheat Levy Acts.

(8) In this section, “season” does not include the season commencing on 1 October 1984 or the next succeeding season.

Final
payment for
wheat of
season other
than last two
seasons

22. (1) Where the net pool return rate for wheat of a season exceeds the guaranteed minimum price for wheat of that season, the Board shall make a final payment of an amount determined in accordance with sub-section (2) for any wheat of that season acquired by the Board under this Act.

(2) The Board shall determine an amount payable under sub-section (1) in respect of any wheat by—

- (a) calculating the amount that the advance payment in respect of the wheat under section 21 would have been if the reference in

that section to the guaranteed minimum price for wheat were a reference to the net pool return rate for the wheat; and

(b) deducting from that amount the amount of the advance payment in respect of the wheat.

(3) A reference in sub-section (2) to the advance payment in respect of any wheat shall be read as a reference to the advance payment in respect of that wheat before any reduction is made under sub-section 21 (6).

(4) Where the net pool return rate for wheat of a season does not exceed the guaranteed minimum price for wheat of that season, the advance payment under section 21 (including any advance under sub-section 21 (4)), and any advance made under an Act repealed by this Act, in respect of any wheat of that season shall be regarded as the final payment for that wheat.

(5) The Board may, with the approval of the Minister, make advances on account of final payments referred to in sub-section (1).

(6) In this section, "season" does not include the season commencing on 1 October 1984 or the next succeeding season.

23. (1) In this section, "season to which this section applies" means the season commencing on 1 October 1984 and the next succeeding season. Payment for wheat of last two seasons

(2) Where wheat of a season to which this section applies is acquired by the Board under this Act, the Board shall pay for that wheat an amount determined in accordance with sub-section (3).

(3) The Board shall determine an amount payable under sub-section (2) in respect of any wheat by calculating an amount equal to the amount that the advance payment in respect of the wheat under section 21 would have been if—

(a) that section were applicable to wheat of a season to which this section applies; and

(b) the reference in that section to the guaranteed minimum price for wheat were a reference to the net pool return rate for the wheat.

(4) The Board may, with the approval of the Minister, make advances on account of payments referred to in sub-section (2).

(5) The obligation of the Board under this section in respect of any wheat is subject to the operation of the Wheat Tax Acts and the Wheat Levy Acts.

24. (1) Subject to sub-sections (4) and (5) and to any other law to which the Board is subject, an amount payable under section 21, 22 or 23 or sub-section 43 (5) in respect of any wheat is payable to the person who would have been entitled to receive the price of the wheat if the Payment by Board

wheat had been lawfully sold to the Board at the time of the acquisition of the wheat by the Board.

(2) The same rights (if any) exist against the person receiving an amount paid by the Board under section 21, 22 or 23 or sub-section 43 (5) in respect of 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 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 sub-section (5), an assignment of moneys payable by the Board in respect of wheat delivered to the Board (not including a registered crop lien) is void as against the Board.

(5) Where a person has assigned moneys payable to him by the Board in respect of wheat 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

25. (1) For the purposes of this section, the Minister may, by notice published in the *Gazette* before the close of a season, declare a day to be the final delivery day for the season.

(2) A person who, in a Territory, after the final delivery day for a season—

- (a) delivers to an authorized receiver wheat harvested in that season; or
- (b) serves a notice on the Board under sub-section 19 (1) with respect to wheat harvested in that season,

shall, at the time of the delivery of the wheat or of the service of the notice, as the case may be, deliver to the authorized receiver or serve by post on the Board, as the case may be, a declaration in writing signed by him correctly stating the season during which the wheat was harvested.

(3) In this section—

“final delivery day”, in relation to a season, includes a final delivery day declared in relation to the season under an Act repealed by this Act;

“season” includes any period that is a season for the purposes of an Act repealed by this Act.

PART V—SALE OF WHEAT BY THE BOARD FOR USE OR
CONSUMPTION IN AUSTRALIA

26. (1) The price at which, in the year commencing on 1 December 1979 or any of the next 4 succeeding years, the Board shall, by a contract made in a Territory (other than a contract entered into under section 19), sell wheat for use or consumption in Australia is the appropriate price that is applicable in accordance with this section. Home
consumption
price of
wheat

(2) Subject to sub-section (3), the price for Australian standard white wheat in bulk sold free on rail at a port of export for human consumption in Australia is—

- (a) in respect of the year commencing on 1 December 1979—\$127.78 per tonne; or
- (b) in respect of any of the 4 years succeeding that year—the price per tonne ascertained in respect of that year in accordance with the Schedule.

(3) There shall be added to a price specified in, or ascertained under, sub-section (2) in respect of a year such amount as the Minister, after consultation with the Board, considers to be necessary to be included in the price of all wheat sold by the Board in that year for human consumption in Australia for the purpose of enabling the Board to meet the costs of shipment of wheat by the Board to a port in Tasmania.

(4) Subject to sub-section (5)—

- (a) the price for Australian standard white wheat in bulk sold free on rail at a port of export for a use (in this paragraph referred to as “the relevant use”) in Australia that is a stock-feed use is such price as is determined from time to time by the Board in respect of the relevant use; and
- (b) the price for Australian standard white wheat in bulk sold free on rail at a port of export for a use (in this paragraph referred to as “the relevant use”) in Australia that is an industrial use is such price as is determined from time to time by the Board in respect of the relevant use.

(5) A price determined for a relevant use under sub-section (4)—

- (a) shall not vary as between wheat at one port of export and wheat at another port of export; and
- (b) shall be the same as any corresponding price determined by the Board under a provision of a State Act that corresponds to sub-section (4).

(6) The price in respect of wheat that is not Australian standard white wheat in bulk sold free on rail at a port of export is such price as the Board determines by adding to, or deducting from, the price that would be applicable to the wheat if it were Australian standard white

wheat in bulk sold free on rail at a port of export an amount by way of allowances in respect of the quality of the wheat, the conditions of sale and the place of delivery, or in respect of one or more of those matters, as the case requires.

(7) The Board may discount a price for wheat sold by the Board other than for human consumption on the basis of the quantity of wheat so sold.

Special
account for
freight to
Tasmania

27. (1) Subject to this section, the Board shall keep a separate account of the moneys received by the Board by reason of the inclusion in the price for a sale of wheat to which section 26 applies of an amount referred to in sub-section 26 (3) 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 sub-section (1) with any similar account or accounts to be kept by it under a State Act.

(3) The Board shall use the moneys referred to in sub-section (1) in meeting the costs of shipment of wheat by the Board to a port in Tasmania, and shall not use for that purpose any other moneys derived by it from the sale of wheat acquired by it under this Act.

(4) Any moneys referred to in sub-section (1) that remain unexpended after the Board has made the final payment required to be made under sub-section (3) 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 referred to in sub-section 33 (1) of the *Wheat Industry Stabilization Act 1974*, as continued in force by sub-section 3 (2) of this Act, that remain unexpended after the Board has made the final payment required to be made under sub-section (3) of that section shall be deemed to be moneys referred to in sub-section (1) of this section.

(6) In relation to sales of wheat by the Board for shipment to a port in Tasmania in respect of which the Board bears the cost of shipment, the Board shall take such measures as are practicable to obtain recoupment of the cost of the shipment in respect of such of that wheat as is used in the production in Tasmania of wheat products that are sent to other States for consumption in Australia, and may include in any contracts made by the Board provisions for that purpose.

(7) Any moneys received by the Board in accordance with sub-section (6) by way of recoupment of costs of shipment shall be deemed to be moneys referred to in sub-section (1).

(8) A reference in this section to a port in Tasmania shall be read as a reference to the port, or the first port, in Tasmania at which the wheat concerned is landed.

28. (1) In relation to a quota season, or a season that is not a quota season but immediately follows a quota season, sections 21 and 22 have effect as if references in those sections to wheat of a season were references to wheat included in the pool for that season in accordance with this section. Quota seasons

(2) For the purposes of this section, “quota wheat”, in relation to a quota season (in this sub-section referred to as “the relevant season”) means wheat of the relevant season acquired by the Board in the relevant season, or wheat of an earlier quota season acquired by the Board in the earlier quota season but not included in the pool for that season, or acquired by the Board in the relevant season, being in either case—

- (a) wheat that appears from the records of the Board to be part of a quota allocated, in respect of the relevant season, to the State in which it was acquired by the Board under arrangements between the Commonwealth Government and the Governments of the States relating to wheat quotas; and
- (b) if, under the law of the State in which the wheat was acquired by the Board relating to wheat quotas, quotas have been allocated to individual persons in respect of the relevant season, wheat that appears from the records of the Board to be the whole or a part of a quota applicable in respect of the relevant season to a person under that law.

(3) The pool for a quota season (in this sub-section referred to as “the relevant season”) consists of the following wheat acquired by the Board—

- (a) wheat that is quota wheat in relation to the relevant season;
- (b) any other wheat of the relevant season or of an earlier quota season acquired by the Board in the relevant season that is declared by the Board to have been sold by the Board, by way of export sale or sale for export, at a premium on the price of Australian standard white wheat, and paid for in full, during the relevant season; and
- (c) any other wheat, being wheat of an earlier quota season, that—
 - (i) was acquired by the Board before the relevant season;
 - (ii) was not included in the pool for a season before the relevant season; and
 - (iii) is declared by the Board to have been sold by the Board, and paid for in full, before or during the relevant season.

(4) The pool for a season that is not a quota season but immediately follows a quota season consists of the following wheat acquired by the Board—

- (a) wheat of that season; and
- (b) wheat of an earlier season, being a quota season, that was not included in the pool for an earlier season.

(5) The Board may, in such manner as it considers equitable, for the purposes of a declaration under paragraph (3) (b) or (c), attribute sales of wheat of a particular kind to all or any of the wheat of that particular kind acquired from particular persons.

(6) For the purposes of this section—

(a) the Australian Capital Territory shall be deemed to be part of New South Wales and the Northern Territory shall be deemed to be part of such State as is prescribed; and

(b) wheat shall be deemed to have been acquired by the Board in a State if—

(i) it has been delivered to the Board in that State; or

(ii) in the case of wheat sold by the Board under section 19 or under the corresponding provision of a State Act—the wheat was in the State at the time of the sale.

(7) In this section, a reference to wheat acquired by the Board shall be read as a reference to wheat so acquired under this Act or a State Act.

PART VI—MEMBERSHIP AND ORGANIZATION OF AUSTRALIAN WHEAT BOARD

Membership of Board

29. (1) The Board shall consist of—

(a) the Chairman;

(b) a finance member;

(c) a representative of flour mill owners;

(d) a representative of employees;

(e) 2 wheat growers representing wheat growers in New South Wales;

(f) 2 wheat growers representing wheat growers in Victoria;

(g) 2 wheat growers representing wheat growers in Queensland;

(h) 2 wheat growers representing wheat growers in South Australia; and

(i) 2 wheat growers representing wheat growers in Western Australia.

(2) The Chairman and the members specified in paragraphs (1) (b), (c) and (d) shall be appointed by the Minister.

(3) Members representing wheat growers in a State shall be appointed in the following manner:

(a) if there is a State Board in relation to the State—they 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 relation to the State—they shall be appointed by the Minister after being elected by wheat growers in the State in accordance with the regulations.

(4) The Chairman shall be appointed as a full-time member and the other members as part-time members.

(5) A person who, immediately before the commencement of this Act, was a member of the Board of the description contained in any of the paragraphs of sub-section 8 (1) of the *Wheat Industry Stabilization Act 1974* shall, on and after the commencement of this Act, be deemed to be a member of the Board of the corresponding description contained in sub-section (1) of this section.

(6) Without prejudice to the operation of a provision of this Act under which a member of the Board ceases to hold office on an earlier day—

- (a) all members of the Board holding office on the first day after the commencement of this Act that is a day at the end of which the terms of office of all members of the Board would have expired if this Act had not been enacted cease to hold office at the end of that day; and
- (b) all members of the Board cease to hold office on the expiration of each successive period of 3 years after that day.

(7) A member of the Board appointed in accordance with paragraph (3) (a) ceases to hold office if he ceases to be a member of the State Board concerned.

(8) Where, after the appointment of a member of the Board in accordance with paragraph (3) (b) 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.

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

(10) Whenever a casual vacancy occurs in the office of a member of the Board, being a member representing wheat growers in a State, the Minister may, after consultation with the appropriate Minister of the State, appoint a wheat grower in the State to that office.

(11) A member is eligible for re-appointment.

(12) In this section, “State Board” means—

- (a) in relation to a State other than Western Australia—a Board or Committee established by a law of the 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; or

- (b) in relation to Western Australia—the Western Australian Wheat Board continued in existence by the *Wheat Marketing Act, 1979* of Western Australia.

Acting
Chairman

30. (1) The Board may appoint a member to act as Chairman—

- (a) during a vacancy in the office of Chairman; or
- (b) during any period, or during all periods, when the Chairman is absent from duty or from Australia or is, for any other reason, unable to perform the functions of his office,

but a member appointed to act during a vacancy shall not continue so to act for more than 12 months.

(2) An appointment of a member under sub-section (1) may be expressed to have effect only in such circumstances as are specified in the instrument of appointment.

(3) The Minister may determine the terms and conditions of appointment, including remuneration and allowances, of a member acting as Chairman.

(4) Remuneration and allowances payable to a member acting as Chairman are in addition to his remuneration and allowances as a member.

(5) The Board may terminate an appointment under sub-section (1) at any time.

(6) Where a member is acting as Chairman in accordance with paragraph (1) (b) and the office of Chairman becomes vacant while that member is so acting, then, subject to sub-section (2), that member may continue so to act until the Board otherwise directs, the vacancy is filled or a period of 12 months after the date on which the vacancy occurred expires, whichever first happens.

(7) The appointment of a member to act as Chairman ceases to have effect if he resigns his appointment by writing signed by him delivered to the Minister.

(8) While a member is acting as Chairman, he has and may exercise all the powers, and shall perform all the functions, of the Chairman under this Act.

(9) The validity of anything done by a member purporting to act under sub-section (1) shall not be called in question on the ground that the occasion for his appointment had not arisen, that there is a defect or irregularity in or in connection with his appointment, that the appointment had ceased to have effect or that the occasion for him to act had not arisen or had ceased.

31. (1) A member shall be paid such remuneration as is determined by the Remuneration Tribunal, but, if no determination of that remuneration by the Tribunal is in operation, he shall be paid such remuneration as is prescribed. Remuneration and allowances

(2) A member shall be paid such allowances as are prescribed.

(3) This section has effect subject to the *Remuneration Tribunals Act* 1973.

32. A member may resign his office by writing signed by him delivered to the Minister. Resignation

33. The Minister may grant leave of absence to the Chairman on such terms and conditions as to remuneration or otherwise as the Minister determines. Leave of absence for Chairman

34. (1) The Minister may terminate the appointment of a member by reason of the misbehaviour, or the physical or mental incapacity, of the member. Termination of appointments

(2) If—

(a) a member—

(i) becomes bankrupt, applies to take the benefit of any law for the relief of bankrupt or insolvent debtors, compounds with his creditors or makes an assignment of his remuneration for their benefit; or

(ii) fails to comply with his obligations under section 35;

(b) the Chairman—

(i) engages, without the consent of the Minister, in paid employment outside the duties of his office; or

(ii) is absent from duty, except on leave of absence granted by the Minister, for 14 consecutive days or for 28 days in any period of 12 months; or

(c) a part-time member is absent, without the prior consent of the Board, from 3 consecutive meetings of the Board otherwise than on business of the Board undertaken with the approval of the Board,

the Minister shall terminate the appointment of the member.

35. (1) A member who has a direct or indirect pecuniary interest in a matter being considered or about to be considered by the Board, otherwise than as a member of, and in common with the other members of, an incorporated company which consists of more than 25 persons and of which he is not a director, shall, as soon as possible after the relevant facts have come to his knowledge, disclose the nature of his interest at a meeting of the Board. Disclosure of interests by members

(2) A disclosure under sub-section (1) shall be recorded in the minutes of the meeting of the Board, and the member—

- (a) shall not take part after the disclosure in any deliberation or decision of the Board with respect to the matter; and
 - (b) shall be disregarded for the purpose of constituting a quorum of the Board for any such deliberation or decision.
- (3) Sub-section (1) does not apply in respect of—
- (a) an interest that a member has as a wheat grower and in common with other wheat growers; or
 - (b) an interest in a matter being considered or about to be considered in the ordinary course of the business of the Board in respect of wheat or wheat products and in accordance with the normal practices of the Board.

Meetings of Board

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

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

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

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

(5) If neither the Chairman nor an acting Chairman is present at a meeting, the members present shall elect a member to preside.

(6) A question arising at a meeting of the Board shall be decided by a majority of the votes of the members present and voting.

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

Executive Committee

37. (1) The Board may appoint 2 or more 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.

(2) A delegation under this section is revocable at the will of the Board, and does not prevent the exercise of a power or the performance of a function by the Board.

Indemnity

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

Appointment of officers

39. (1) The Board may appoint such officers of the Board as are necessary to assist the Board in carrying out its functions or exercising its powers.

(2) Officers appointed in pursuance of this section shall be employed on such terms and conditions (including terms and conditions with respect to punishment for breaches of discipline) as are determined by the Board with the approval of the Public Service 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) A determination by the Board of terms and conditions of employment of officers of the Board that was in force immediately before the commencement of this Act continues in force, subject to any determination made under this section.

(5) Where an officer appointed or deemed to be appointed under this section was, immediately before his appointment as an officer of the Board, an officer of the Australian Public Service or a person to whom the *Officers' Rights Declaration Act 1928* applied—

- (a) he retains his existing and accruing rights;
- (b) for the purpose of determining those rights, his service as an officer of the Board shall be taken into account as if it were service in the Australian Public Service; and
- (c) the *Officers' Rights Declaration Act 1928* applies as if this Act and this section has been specified in the Schedule to that Act.

PART VII—FINANCE

40. (1) The Fund maintained under the *Wheat Industry Stabilization Act 1974* immediately before the commencement of this Act under the name of the Wheat Prices Stabilization Fund is continued in existence for the purposes of this Act under the name of the Wheat Finance Fund. Wheat
Finance
Fund

(2) The moneys and investments that, immediately before the commencement of this Act, constituted the Wheat Prices Stabilization Fund continue, by force of this sub-section, to form part of the Wheat Finance Fund.

41. (1) There shall be paid into the Fund out of the Consolidated Revenue Fund, which is appropriated accordingly, amounts equal to the amounts of levy received by the Commonwealth under the Wheat Levy Acts. Moneys to
be paid
into Fund.

(2) There shall be paid into the Fund interest from the investment of moneys standing to the credit of the Fund.

42. (1) The purpose of the Fund is to provide moneys that may be borrowed by the Board in accordance with sub-section 44 (2). Purpose
of Fund

(2) Nothing in sub-section (1) prevents moneys standing to the credit of the Fund that are not immediately required for the purpose of the Fund from being invested under section 62B of the *Audit Act* 1901.

Application
of excess
moneys in
Fund

43. (1) If the moneys standing to the credit of the Fund at any time exceeds \$100,000,000, the excess shall be paid to the Board out of the Fund.

(2) After the close of the season commencing on 1 October 1983 and after the repayment by the Board of any moneys borrowed by it from the Fund, the moneys standing to the credit of the Fund shall be paid to the Board out of the Fund.

(3) The Board shall treat amounts paid to it under this section—

(a) in the first place, as being made by way of recoupment of export charge paid in respect of the season that commenced on 1 October 1973 and subsequent seasons, in the order in which those seasons occurred, to the extent that the export charge in respect of any of those seasons has not been recouped by payments to the Board under section 31 of the *Wheat Industry Stabilization Act* 1974, or that Act as continued in force by virtue of sub-section 3 (2) of this Act; and

(b) in the second place, as being made by way of recoupment of levy paid in respect of the season that commenced on 1 October 1979 and subsequent seasons, in the order in which those seasons occurred.

(4) The Board shall apply any amount received by it under this section that is to be treated as recoupment of export charge paid in respect of a season, together with any interest received by the Board from the investment of the amount while it is in the hands of the Board, as if, for the purposes of the *Wheat Industry Stabilization Act* 1974, as continued in force by sub-section 3 (2) of this Act, the amount were part of the proceeds of the disposal by the Board of the wheat of that season delivered to the Board.

(5) The Board shall apply any amount received by it under this section that is to be treated as recoupment of levy paid in respect of a season, together with any interest received by the Board from the investment of the amount while it is in the hands of the Board, by—

(a) determining a levy recoupment rate by dividing an amount equal to the aggregate of the first-mentioned amount and the relevant interest by the number of tonnes of wheat of that season acquired by the board; and

(b) determining the amount of the levy recoupment payment payable by the Board in respect of any wheat of that season to be an amount calculated, in respect of that wheat, at the levy recoupment rate determined under paragraph (a).

(6) An amount shall not be paid to the Board under sub-section (2) if the Minister has informed the Minister for Finance that a scheme for the marketing of wheat in seasons after the season referred to in that sub-section 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—

- (a) the amount of export charge in respect of a season shall be deemed to be the amount that has been paid in respect of charge under the *Wheat Export Charge Act 1974* in respect of wheat of that season, together with such amount in respect of interest accrued to the Fund as the Minister for Finance thinks fit after considering any recommendations made to the Minister by the Board; and
- (b) the amount of levy in respect of a season shall be deemed to be the amount that has been paid in respect of levy under the *Wheat Levy Acts* in respect of wheat of that season, together with such amount in respect of interest accrued to the Fund as the Minister for Finance thinks fit after considering any recommendations made to the Minister by the Board.

(8) This section has effect as if wheat of a season that is, in accordance with section 28, included in the pool for a later season were wheat of that later season.

(9) In this section, “season” means the period of 12 months that commenced on 1 October 1973 and each succeeding period of 12 months.

44. (1) The Minister may, on behalf of the Commonwealth—

- (a) arrange with the Reserve Bank for the making by that Bank under sub-section 57 (1) of the *Reserve Bank Act 1959* of advances to the Board for the purposes of the performance of its functions or the exercise of its powers under this Act or a State Act, not including an advance for the purpose of the exercise of its powers under sub-section 21 (4) or the corresponding provision of a State Act but including an advance for the purpose of the repayment of moneys borrowed for the purpose of the exercise of its powers under sub-section 21 (4) or the corresponding provision of a State Act and the payment of the expenses of borrowing; and
- (b) guarantee the repayment of an advance made in pursuance of such an arrangement and the payment of the expenses of borrowing.

Raising of
moneys by
Board

(2) The Board may, with the approval of the Minister, borrow moneys from the Fund for the purpose of liquidating any debt owed by

the Board to the Reserve Bank on 31 March in any year, and repayable on that date, being a debt incurred by the Board under sub-section (1) (including the expenses of borrowing in relation to that debt), in relation to wheat of the season that ended on the preceding 30 September.

(3) The Board may, with the approval of the Minister but not otherwise, create, execute, enter into, draw, make, accept, indorse, issue, discount and sell securities, and enter into any related agreements or other arrangements.

(4) The power of the Minister to give approvals for the purposes of sub-section (3) extends to the giving of approvals in respect of securities included in a specified class or specified classes of securities.

(5) The Board may, with the approval of the Minister but not otherwise, borrow moneys otherwise than in accordance with sub-section (1) or (2) and otherwise than by dealing with securities in accordance with sub-section (3).

(6) Where the Board borrows or raises moneys by dealing with securities in accordance with sub-section (3), being securities included in a class of securities specified by the Minister for the purposes of this sub-section by notice published in the *Gazette*, the repayment by the Board of the amounts borrowed or raised or the payment of any amounts that the Board is otherwise liable to pay in respect of those securities, as the case may be, and the payment by the Board of interest (if any) on those amounts are, by force of this sub-section, guaranteed by the Commonwealth.

(7) The Minister may, on behalf of the Commonwealth, guarantee the repayment of moneys borrowed under sub-section (5) and the payment of the expenses of borrowing.

(8) Where the Board borrows or raises moneys for the purpose of exercising its powers under sub-section 21 (4) or under the corresponding provision of a State Act, then—

- (a) where the borrowing or raising of those moneys is effected by dealing with securities—sub-section (6) does not apply in relation to those securities; or
- (b) where the borrowing of those moneys is effected in any other manner—the Minister shall not guarantee the repayment of those moneys or the payment of the expenses of borrowing.

(9) In this section, “expenses of borrowing”, in relation to a borrowing made by the Board, means the expenses of that borrowing incurred by the Board, and includes interest payable on the moneys borrowed.

Rate of
interest on
loans from
Fund

45. The rate of interest payable by the Board in respect of an amount loaned to it under sub-section 44 (2) shall be such rate as is fixed by the Minister having regard to the rate of interest that moneys in the Fund

would have earned if they had been invested in securities of the Commonwealth or on fixed deposit with the Reserve Bank.

46. (1) Where a commercial borrowing by the Board is for purposes for which advances may be made under sub-section 57 (1) of the *Reserve Bank Act* 1959, other than purposes of loan repayment, there is payable to the Board—

Amounts payable to Board in respect of commercial borrowings

- (a) an amount equal to the difference, as determined by the Minister, between—
 - (i) the total amount of interest paid or payable by the Board in respect of that borrowing; and
 - (ii) the total amount of interest that would have been paid or payable by the Board in respect of that borrowing if it had been a Reserve Bank borrowing; and
- (b) an amount equal to the difference, as determined by the Minister, between—
 - (i) the total expenses of borrowing paid or payable by the Board in respect of that borrowing; and
 - (ii) the total expenses of borrowing that would have been paid or payable by the Board in respect of that borrowing if it had been a Reserve Bank borrowing.

(2) Where a commercial borrowing by the Board is for the purposes of loan repayment, there is payable to the Board—

- (a) an amount equal to the difference, as determined by the Minister, between—
 - (i) the total amount of interest paid or payable by the Board in respect of that borrowing; and
 - (ii) the total amount of interest that would have been paid or payable by the Board in respect of that borrowing if it had been a Reserve Bank borrowing; and
- (b) an amount, as determined by the Minister, equal to the total expenses of borrowing paid or payable by the Board in respect of that borrowing.

(3) In this section, unless the contrary intention appears—

“borrowing” means a borrowing under section 44, and includes the raising of moneys by means of any transaction of a kind referred to in sub-section 44 (3);

“commercial borrowing” means a borrowing made by the Board, otherwise than from the Reserve Bank or from the Fund, of moneys to be used in the performance of the functions, or the exercise of the powers, of the Board under this Act or a State Act (other than the exercise of its powers under sub-section 21 (4) or the corresponding provision of a State Act) in relation to wheat acquired by the Board during a season;

“expenses of borrowing”, in relation to a commercial borrowing with respect to wheat acquired by the Board during a season, does not include—

- (a) interest; or
- (b) expenses incurred in respect of any period after 31 March next following the close of the season;

“interest”, in relation to a commercial borrowing with respect to wheat acquired by the Board during a season, does not include interest that accrues after 31 March next following the close of the season;

“loan repayment” means the repayment of Reserve Bank borrowings;

“Reserve Bank borrowing” means a borrowing under sub-section 44 (1) from the Reserve Bank.

(4) In this section—

- (a) a reference to a borrowing for a particular purpose shall be read as a reference to so much of any borrowing as is made for that purpose; and
- (b) a reference to wheat acquired by the Board shall be read as a reference to wheat so acquired under this Act or a State Act.

Credit sales
in
accordance
with
direction

47. If—

- (a) the Minister directs the Board under section 11 to make a sale of wheat on terms involving a longer period of credit in respect of payment of an amount, being the whole or part of the purchase moneys, than the period of credit that the Minister is satisfied, after consultation with the Board, is the period that the Board would have been prepared to allow on a strictly commercial basis;
- (b) the Board incurs loss by reason of failure of the purchaser to pay that amount, or interest in respect of that amount, within the extended period of credit applicable to that amount; and
- (c) the Minister is satisfied that the Board has taken all reasonable steps to recover from the purchaser the amount of the loss,

the Minister for Finance shall, out of moneys appropriated by the Parliament for the purpose, pay the amount of the loss to the Board and the amount so paid to the Board shall, for the purposes of this Act, be deemed to be part of the proceeds of the sale of the wheat by the Board.

Discounting
of letters of
credit

48. (1) The Board may request the Minister for his approval of the discounting by the Board of a letter of credit held by the Board, and the Board shall not discount such a letter of credit without that approval.

(2) A reference in sub-section (1) to the discounting by the Board of a letter of credit shall be read as a reference to—

- (a) selling, on a without recourse basis, a letter of credit, or other document evidencing or acknowledging indebtedness to the

Board, in advance of the date of maturity of the letter of credit or other document; or

- (b) assigning or otherwise disposing of, on a without recourse basis, the rights of the Board to any payment under a letter of credit, or other document evidencing or acknowledging indebtedness to the Board, before the date on which the payment becomes due.

49. (1) Where the guaranteed minimum price for wheat of a season exceeds the net pool return rate for wheat of that season, there is payable to the Board an amount equal to the amount by which an amount in respect of all wheat of that season acquired by the Board (whether under this Act or a State Act) calculated at the guaranteed minimum price for wheat of that season exceeds the net pool return for that wheat.

Payment to Board where guaranteed minimum price exceeds net pool return rate

(2) In this section, "season" does not include the season commencing on 1 October 1984 or the next succeeding season.

50. (1) The Minister for Finance may, at such times as he thinks fit, make advances to the Board of such amounts as he thinks fit on account of an amount that is expected to become payable to the Board under section 46 or 49.

Advances

(2) If—

- (a) the total amount of advances paid to the Board under subsection (1) on account of an amount that is expected to become payable to the Board under section 46 exceeds the total of the amounts payable to the Board under that section; or
- (b) the total amount of advances paid to the Board under subsection (1) on account of an amount that is expected to become payable to the Board under section 49 exceeds the total of the amounts payable to the Board under that section,

the Board shall, on demand by the Minister for Finance, repay to the Commonwealth the amount of the excess.

51. Payments to the Board under section 46 or 49 and advances to the Board under section 50 shall be made out of the Consolidated Revenue Fund, which is appropriated accordingly.

Appropriation

52. Subject to sub-section 63E of the *Audit Act* 1901, moneys of the Board may be applied only—

Application of moneys of Board

- (a) in payment or discharge of the expenses, charges, obligations and liabilities incurred or undertaken by the Board in or in connection with the performance of its functions, or the exercise of its powers, under this Act or a State Act;
- (b) in payment of any remuneration or allowances, or reimbursement of expenses, payable under this Act; and
- (c) in making any other payments that the Board is authorized or required to make under this Act or a State Act.

Liability to
taxation

53. (1) Subject to sub-section (4), the Board is subject to taxation (other than income tax) under the laws of the Commonwealth.

(2) Subject to sub-section (3), the Board is not subject to taxation under a law of a State or Territory.

(3) The regulations may provide that sub-section (2) does not apply in relation to taxation under a specified law of a State or Territory.

(4) Where the Minister so determines by notice published in the *Gazette*, stamp duty, or any similar tax, is not payable by the Board or any other person under a law of the Commonwealth or of a State or Territory in respect of—

- (a) a security dealt with by the Board;
- (b) the issue, redemption, transfer, sale, purchase, acquisition or discounting of such a security by the Board or any other person, not including a transaction entered into without consideration or for an inadequate consideration; or
- (c) any document executed by or on behalf of the Board, or any transaction, in relation to the borrowing or other raising of moneys by the Board.

(5) The power conferred on the Minister by sub-section (4) to make a determination extends to the making of a determination in respect of securities included in a specified class or specified classes of securities and in respect of documents or transactions included in a specified class or specified classes of documents or transactions.

Application
to Board of
Division 2 of
Part XI of
Audit Act

54. (1) It is hereby declared that the Board is a public authority to which Division 2 of Part XI of the *Audit Act* 1901 applies.

(2) The application to and in relation to the Board of Division 2 of Part XI of the *Audit Act* 1901 is subject to the following modifications:

- (a) the reference in sub-section 63D (1) of that Act to an approved bank or approved banks shall be read as including a reference to the Reserve Bank;
- (b) sub-section 63H (1) of that Act is omitted and the following sub-sections are substituted:

“(1) The authority shall, by 30 June in the year 1980 and in each succeeding year, prepare and submit to the appropriate Minister a report of its operations during the year that ended on the preceding 30 November, together with financial statements in respect of that last-mentioned year in such form as the Minister administering this Act approves.

“(1A) For the purposes of the operation of sub-section (1) in relation to a particular year, the appropriate Minister may, if he thinks fit having regard to the circumstances of the case, extend to a later date the period in which the report for that year would,

but for this sub-section, be required by that sub-section to be submitted to him.

“(1B) The report shall set out all directions given by the appropriate Minister to the authority during the year to which the report relates.”;

- (c) for the purposes of the operation of section 63H of that Act, as modified by paragraph (b) of this sub-section, the operations of the Board during the year ending on 30 November 1979 shall be deemed to include the operations of the Board during that year under the *Wheat Industry Stabilization Act 1974*.

55. (1) There is payable by the Board to an authorized receiver, as remuneration for his services and for any facilities made available by him for the storage, protection, treatment, handling or transfer of wheat, and for any expenses properly incurred by him, such amounts as are agreed, from time to time, between the Board and the authorized receiver.

Remuneration and allowances of authorized receivers

(2) Expenses incurred or paid by an authorized receiver in connection with the administration of a law of a State relating to wheat quotas shall be deemed to be included in the expenses referred to in sub-section (1).

(3) An agreement made under sub-section (1) shall take effect, or be deemed to have taken effect, on and from a date specified in the agreement, not being a date earlier than 28 November 1978.

(4) An agreement in force, immediately before the commencement of this Act, between the Board and a State corporation in its capacity as a licensed receiver under an Act repealed by this Act shall, after the commencement of this Act, continue in force as if made under this section between the Board and the State corporation in its capacity as an authorized receiver under this Act.

PART VIII—MISCELLANEOUS

56. (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 a liability or duty, that is also conferred or imposed by this Act is not prevented or limited by reason of the provisions made by this Act.

Operation of State laws

(2) It is also declared to be the intention of the Parliament that, except as otherwise directed by the Minister, the Board shall have and be subject to powers, rights, functions, liabilities and duties conferred or imposed on it by a State Act that are additional to those conferred or imposed by this Act.

(3) The Board is subject 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.

Establishment of consultative groups

57. (1) The Board may establish consultative groups of persons for the purpose of considering, and advising the Board on, any matter relating to the performance of the functions of the Board (whether conferred by this Act or by a State Act) that is referred to them by the Board, and may appoint the members of such groups.

(2) The Minister may determine the terms and conditions of appointment, including remuneration and allowances, of a member of a consultative group.

Appointment of authorized persons

58. The Board or the Chairman may appoint a person, or persons included in a class of persons, to be an authorized person or authorized persons, as the case may be, for the purposes of a specified provision of this Act.

Information to be furnished

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

- (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, refuse or fail to comply with a requirement under this section.

(3) A person is not excused from furnishing information that he is required to furnish under this section on the ground that the information might tend to incriminate him or make him liable to a penalty, but any information so furnished is not admissible in evidence against him in proceedings other than proceedings for an offence against sub-section (4).

(4) A person shall not furnish to the Board information that is false or misleading in a material particular.

Penalty: \$500.

Proper care to be taken of wheat owned by Board

60. A person having wheat the property of the Board in his possession or under his care in a Territory 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.

Penalty: \$200.

61. (1) An authorized person may, with the consent of the occupier of any premises in a Territory, enter the premises for the purpose of exercising the functions of an authorized person under this section. Access to premises

(2) Where an authorized person has reason to believe that—

- (a) there is on any premises in the Territory wheat that is the property of the Board and is not in the possession of the Board or a person authorized by the Board, or wheat the delivery of which has been lawfully required by the Board under this Act; or
- (b) there are on any premises in a Territory books, documents or other papers relating to wheat or wheat products or to corn sacks,

the authorized person may make application to a Justice of the Peace for a warrant authorizing the authorized person to enter the premises for the purpose of exercising the functions of an authorized person under this section.

(3) If, on an application under sub-section (2), the Justice of the Peace is satisfied by information on oath or affirmation—

- (a) that there is reasonable ground for believing that there is on the premises any wheat, or that there are on the premises any books, documents or papers, referred to in sub-section (2); and
- (b) that the issue of the warrant is reasonably required for purposes of, or related to the operation of, this Act,

the Justice of the Peace may grant a warrant authorizing the authorized person, with such assistance as he thinks necessary, to enter the premises during such hours of the day or night as the warrant specifies or, if the warrant so specifies, at any time, if necessary by force, for the purpose of exercising the functions of an authorized person under this section.

(4) A warrant under sub-section (3) shall specify a date after which the warrant ceases to have effect.

(5) Where an authorized person has entered any premises in pursuance of sub-section (1) or in pursuance of a warrant granted under sub-section (3), he may exercise the functions of an authorized person under this section.

(6) A person shall not, without reasonable excuse, obstruct or hinder an authorized person acting in pursuance of a warrant granted under sub-section (3) or in pursuance of sub-section (5).

Penalty: \$500.

(7) The functions of an authorized person under this section are—

- (a) to search for and inspect wheat or corn sacks;
- (b) to search for, inspect, take extracts from and make copies of books, documents or papers referred to in sub-section (2); and
- (c) to take possession of and remove wheat referred to in sub-section (2).

(8) On the taking possession, under sub-section (7), of wheat that, immediately before such taking, was not the property of the Board, the wheat becomes the absolute property of the Board, freed from all mortgages, charges, liens, pledges, interests and trusts.

(9) In this section, “occupier”, in relation to premises, includes the person in charge of the premises.

Validation of
certain
payments to
State
corporations

62. Any payment to a State corporation the name of which is specified in Column 1 of the table in this section that was made during the period specified in Column 2 of that table opposite to the name of the corporation, being a payment of remuneration for the services of the corporation and for any facilities made available by the corporation for the storage, protection, treatment, handling, transfer and shipping of wheat and for any expenses properly incurred by the corporation, shall be deemed to have been as validly made as if the payment had been made in accordance with an agreement between the Minister and the appropriate Minister of the State concerned in force under sub-section 34 (2) of the *Wheat Industry Stabilization Act* 1968 or sub-section 40 (2) of the *Wheat Industry Stabilization Act* 1974, whichever would have been the relevant sub-section.

Column 1 State Corporation	Column 2 Period
The Grain Elevators Board of New South Wales constituted under the <i>Grain Elevators Act</i> , 1954 of New South Wales	1 November 1973 to 14 April 1978
The Grain Elevators Board incorporated by the <i>Grain Elevators Act</i> 1934 of Victoria and constituted under the <i>Grain Elevators Act</i> 1958 of that State	1 November 1973 to 2 May 1978
The State Wheat Board constituted under the <i>Wheat Pool Act</i> , 1920 to 1972 of Queensland	1 October 1973 to 10 April 1978
South Australian Co-operative Bulk Handling, Limited incorporated and registered under the <i>Companies Act</i> , 1962–1974 of South Australia	1 November 1973 to 25 July 1978
Co-operative Bulk Handling Limited incorporated and deemed to be registered under the <i>Companies Co-operative Act</i> , 1943–1976 of Western Australia	1 November 1973 to 19 July 1978
The Tasmanian Grain Elevators Board constituted under the <i>Grain Reserve Act</i> , 1950–1966 of Tasmania	1 November 1973 to 3 May 1978

Regulations

63. (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—

- (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; and

- (c) penalties not exceeding a fine of \$200 for offences against the regulations.

(2) The Wheat Industry Stabilization (Election of Board) Regulations in force immediately before the commencement of this Act for the purposes of the *Wheat Industry Stabilization Act 1974* 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.

SCHEDULE

Sub-section 26 (2)

FORMULA FOR ASCERTAINING THE PRICE PER TONNE OF WHEAT IN RESPECT OF A YEAR

$$(1 + 0.6A)(0.5B + 0.5C) + 0.6C(1.2 - D)$$

where—

- A = a number less by one than the number obtained by dividing the index number of the Index of Prices Paid by Farmers for the quarter ended on 30 June immediately before the beginning of the subject year published by the Bureau of Agricultural Economics by the index number of that Index for the quarter ended 30 June immediately preceding the first-mentioned 30 June
- B = the amount of the price per tonne specified in, or ascertained under, sub-section 26 (2) in respect of the year immediately preceding the subject year
- C = an estimate of the amount of the average export price per tonne for Australian standard white wheat of the season that commenced on 1 October immediately preceding the commencement of the subject year that has been, or will be, disposed of by the Board by way of export sale or sale for export, being an estimate made by the Minister having regard to any advice or information furnished to him by the Board or the Bureau of Agricultural Economics
- D = the number obtained by dividing the number of cents in the aggregate of the home consumption prices for wheat in respect of the 8 years preceding the subject year by the number of cents in the aggregate of the average export prices for wheat of the 8 seasons that commenced on 1 October immediately preceding each of those 8 years

2. For the purpose of ascertaining the value of "D" in the formula set out in paragraph 1—

- (a) the reference to home consumption prices for wheat shall be read as a reference to—
- (i) in so far as the reference relates to the year commencing on 1 December 1979 or a subsequent year—the amount of the price per tonne specified in, or ascertained under, sub-section 26 (2) in respect of that year;
 - (ii) in so far as the reference relates to the year that commenced on 1 December 1978—\$138.05;
 - (iii) in so far as the reference relates to the year that commenced on 1 December 1977—\$122.34;
 - (iv) in so far as the reference relates to the year that commenced on 1 December 1976—\$101.95;
 - (v) in so far as the reference relates to the year that commenced on 1 December 1975—\$84.96;
 - (vi) in so far as the reference relates to the year that commenced on 1 December 1974—\$70.80;
 - (vii) in so far as the reference relates to the year that commenced on 1 December 1973—\$59.00; and
 - (viii) in so far as the reference relates to the year that commenced on 1 December 1972—\$55.48; and

SCHEDULE—continued

- (b) the reference to average export prices for wheat shall be read as a reference to—
- (i) in so far as the reference relates to a season in respect of which all relevant information is in the possession of the Board—the amount per tonne of the average export price, f.o.b., for Australian standard white wheat of that season that has been disposed of by the Board by way of export sale or sale for export; and
 - (ii) in so far as the reference relates to any other season—an estimate of the amount per tonne of the average export price, f.o.b., for Australian standard white wheat of that season that has been, or will be, disposed of by the Board by way of export sale or sale for export, being an estimate made by the Minister having regard to any advice or information furnished to him by the Board or the Bureau of Agricultural Economics.

3. Where the difference (in this paragraph referred to as “the relevant difference”) between the amount (in this paragraph referred to as “the ascertained amount”) of the price per tonne of wheat ascertained in accordance with the formula in this Schedule in respect of a year and the amount (in this paragraph referred to as “the other amount”) of the price per tonne of wheat specified in, or ascertained under, sub-section 26 (2) in respect of the year immediately preceding the first-mentioned year exceeds an amount (in this paragraph referred to as “the maximum difference”) equal to 20% of the other amount, then—

- (a) where the ascertained amount exceeds the other amount—the ascertained amount shall be reduced by the amount by which the relevant difference exceeds the maximum difference; or
- (b) in any other case—the ascertained amount shall be increased by the amount by which the relevant difference exceeds the maximum difference.

4. A reference in this Schedule to a price specified in, or ascertained under, sub-section 26 (2) shall be read as not including a reference to any addition to that price under sub-section 26 (3).

5. In this Schedule—

“season” means a period of 12 months commencing on 1 October;

“year” means a period of 12 months commencing on 1 December.

NOTE

1. Act No. 166, 1979; assented to 29 November 1979.