



Wheat Marketing Amendment Act 1986

No. 82 of 1986

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Wheat Marketing Amendment Act 1986

No. 82 of 1986

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

[Assented to 24 June 1986]

BE IT ENACTED by the Queen, and the Senate and the 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 Amendment Act 1986*.

Commencement

2. (1) This Part and Part VI shall come into operation on the day on which this Act receives the Royal Assent.

(2) Parts III and IV shall be deemed to have come into operation on 1 April 1986.

(3) Section 30 shall be deemed to have come into operation on 25 October 1984.

(4) The remaining provisions of this Act shall come into operation on such day as is, or on such respective days as are, fixed by Proclamation.

PART II—AMENDMENTS OF THE WHEAT MARKETING ACT 1984

Principal Act

3. The *Wheat Marketing Act 1984*¹ is in this Part referred to as the Principal Act.

Interpretation

4. Section 3 of the Principal Act is amended—

- (a) by omitting from sub-section (1) the definition of “financial market”; and
- (b) by adding at the end the following sub-section:

“(7) If the name of the Australian Wheatgrowers’ Federation is changed or all or a majority of the members of that association form a new association in or in connection with the wheat industry (whether or not the new association includes members who were not members of the Australian Wheatgrowers’ Federation)—

- (a) a reference in this Act to the Australian Wheatgrowers’ Federation shall be read as a reference to that Federation under the new name or to that new association, as the case may be;
- (b) a reference in this Act to the President of the Australian Wheatgrowers’ Federation shall be read as a reference to the President, or to the chief executive officer, of that Federation under the new name or of that new association, as the case may be;
- (c) a reference in this Act to the executive of the Australian Wheatgrowers’ Federation shall be read as a reference to the executive, or similar body, of that Federation under the new name or of that new association, as the case may be; and
- (d) a reference to an officer of the Australian Wheatgrowers’ Federation shall be read as a reference to an officer of that Federation under the new name or of that new association, as the case may be.”

Objects, functions and powers of Board

5. Section 5 of the Principal Act is amended by omitting sub-section (5).

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6. After section 5 of the Principal Act the following section is inserted:

Subsidiaries

“5A. (1) Subject to sub-section (2), the Board may, for the purposes of the more efficient performance of its functions—

- (a) arrange for the formation of a company; or
- (b) subscribe for, or otherwise acquire, shares in a company.

“(2) The Board shall not exercise its powers under sub-section (1) in relation to a company unless—

- (a) the Minister has approved the exercise of those powers in writing; and
- (b) the Board will be in a position to control the operations of that company’.

“(3) An approval under paragraph (2) (a) may be given unconditionally or subject to such conditions as are specified in the instrument of approval.

“(4) A company in which the Board holds shares pursuant to an approval given under paragraph (2) (a)—

- (a) shall not do an act or thing that the Board itself is not empowered to do; and
- (b) where the Minister gives a direction to the Board in accordance with section 11—shall comply with the direction in so far as the direction affects the operations of the company.

“(5) Where the Minister gives an approval under paragraph (2) (a) in relation to a company, the Minister shall, unless the Minister considers that to do so would prejudice the operations of the Board, cause to be laid before each House of the Parliament within 15 sitting days of that House after the approval is given a notice—

- (a) stating that the approval has been given; and
- (b) setting out any conditions to which the approval is subject.

“(6) This section does not apply to an acquisition by the Board of shares in a company where the Board is not in a position to control the operations of that company, being an acquisition that the Board is empowered to undertake apart from this section.”.

Powers of Board with respect to futures contracts, &c.

7. Section 6 of the Principal Act is amended—

- (a) by omitting from sub-section (1) “currency contracts or futures contracts for hedging purposes at a financial market (whether at a place in or outside Australia)” and substituting “, whether in or outside Australia, contracts to which this section applies for hedging purposes”; and
- (b) by omitting sub-sections (3) and (4) and substituting the following sub-sections:

“(3) The Board shall not—

- (a) enter into or deal with a contract to which this section applies otherwise than for hedging purposes; or
- (b) enter into or deal with a contract to which this section applies otherwise than in accordance with the guidelines having effect from time to time under sub-section (2).

“(4) A contract to which this section applies shall be taken to be entered into for hedging purposes if, and only if, the contract is entered into or dealt with for the purposes—

- (a) of minimising the risks of adverse variations in the price obtainable for wheat under a contract for the sale of wheat that has been, or is to be, entered into by the Board; or
- (b) of minimising the risks of adverse variations in the costs of a borrowing or raising of moneys by the Board or a proposed borrowing or raising of moneys by the Board (including a borrowing or raising of moneys by dealing with securities).

“(5) This section applies to contracts of the following kinds:

- (a) currency contracts;
- (b) futures contracts;
- (c) contracts relating to dealings known as interest swaps;
- (d) contracts relating to dealings known as currency swaps;
- (e) contracts relating to both dealings referred to in paragraph (c) and dealings referred to in paragraph (d);
- (f) such other contracts as are approved by the Minister by notice in writing given to the Board.”

8. After section 6 of the Principal Act the following section is inserted:

Exercise of Board’s powers to be consistent with corporate plan and annual operational plan

“6A. The Board shall, to the extent that it is practicable to do so, ensure that the exercise of the powers conferred on it by this Act, by any other Act or by a State Act is, subject to any direction given by the Minister under section 11, consistent with, and designed to give effect to, the provisions of any corporate plan and any annual operational plan in force under Part IVA.”

Directions by Minister

9. Section 11 of the Principal Act is amended—

- (a) by omitting “The Minister” and substituting “Subject to sub-section (2), the Minister”; and
- (b) by adding at the end the following sub-sections:

“(2) The Minister shall not give a direction to the Board under sub-section (1) unless—

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- (a) the Minister is satisfied that, by reason of the existence of exceptional circumstances, it is necessary to give the direction to the Board in order to ensure that the performance of the functions, or the exercise of the powers, of the Board does not conflict with major government policies;
- (b) the Minister has given to the Board a notice in writing stating that the Minister is considering giving the direction; and
- (c) the Minister has given to the Chairperson an adequate opportunity to discuss with the Minister the need for the proposed direction.

“(3) Where the Minister gives a direction to the Board under sub-section (1)—

- (a) the Minister shall cause a notice in writing setting out particulars of the direction to be published in the *Gazette* as soon as practicable after giving the direction; and
- (b) the Minister shall cause a copy of that notice to be laid before each House of the Parliament within 15 sitting days of that House after the publication of the notice in the *Gazette*.”.

Board may establish consultative groups

10. Section 12 of the Principal Act is amended by omitting from sub-section (2) “The Minister may” and substituting “The Board may”.

11. Section 13 of the Principal Act is repealed and the following section is substituted:

Consultations with Australian Wheatgrowers’ Federation

“13. (1) The Board shall ensure that, from time to time but not less than once every 12 months, a member or members of the Board meet with members of the executive of the Australian Wheatgrowers’ Federation for the purpose of consultation with respect to the performance by the Board of its functions (whether conferred by this Act or a State Act).

“(2) The Chairperson shall, as soon as practicable after the annual report of the Board has been laid before each House of the Parliament under sub-section 63 (5), meet with members of the executive of the Australian Wheatgrowers’ Federation and present the annual report to the meeting.

“(3) The Board may reimburse a member of the executive of the Australian Wheatgrowers’ Federation or an officer of that Federation who attends a meeting referred to in this section such expenses as the member or officer reasonably incurs by reason of his or her attendance at the meeting.”.

Net pool return

12. Section 16 of the Principal Act is amended—

(a) by inserting after paragraph (2) (b) the following paragraph:

“(ba) the receipts and outgoings during that season of any company in which the Board holds shares pursuant to an approval given under paragraph 5A (2) (a) shall be treated in such manner as the Minister determines;”;

(b) by omitting sub-paragraph (2) (d) (i).

Final payment for wheat of season other than last 2 seasons

13. Section 27 of the Principal Act is amended—

(a) by adding at the end of sub-paragraph (2) (a) (i) “and”;

(b) by omitting sub-paragraph (2) (a) (iii); and

(c) by omitting from sub-section (9) “sub-paragraphs (2) (a) (ii) and (iii)” and substituting “sub-paragraph (2) (a) (ii)”.

Payment for wheat of last 2 seasons

14. Section 30 of the Principal Act is amended—

(a) by omitting paragraphs (3) (c) and (d) and substituting the following word and paragraph:

“and (c) the net pool return for that season were reduced by an amount (if any) equal to the amount, or the sum of the amounts, deducted by the Board from the disposal of wheat of that season and paid into a reserve account under section 7.”; and

(b) by omitting from sub-section (6) “paragraphs (3) (c) and (d)” and substituting “paragraph (3) (c)”.

Home consumption price of wheat

15. (1) Section 32 of the Principal Act is amended by omitting from sub-section (14) the definition of “final purchasing day” and substituting the following definition:

“‘final purchasing day’, in relation to a season, means—

(a) the first 30 November after the end of that season; or

(b) such later day as the Minister, by notice in writing published in the *Gazette* before that 30 November, determines;”.

(2) For the purposes of the operation of section 32 of the Principal Act, the final purchasing day in relation to the season that ended on 30 June 1985 shall be taken to have been 30 November 1985.

Special account for freight to Tasmania

16. Section 33 of the Principal Act is amended by omitting paragraphs (1) (b) and (c) and substituting the following word and paragraph:

“and (b) payments made out of the moneys referred to in paragraph (a),”.

Membership of Board

17. Section 34 of the Principal Act is amended—

(a) by inserting after sub-section (3) the following sub-sections:

“(4) Subject to sub-section (5), a person who has attained the age of 65 years shall not be appointed as a member and a person shall not be appointed as a member for a period that extends beyond the day on which the person will attain the age of 65 years.

“(5) Sub-section (4) does not apply to the appointment of a person if the Minister is satisfied that the person possesses special skills that the Board requires for the performance of its functions.

“(5A) A person who is the President, or a member of the executive, of the Australian Wheatgrowers’ Federation shall not be appointed as a member.

“(5B) The place of a member of the Board becomes vacant if the member becomes the President, or a member of the executive, of the Australian Wheatgrowers’ Federation.”; and

(b) by inserting after sub-section (6) the following sub-section:

“(6A) The Chairperson holds office on such terms and conditions in respect of matters not provided for by this Act as are determined in writing by the Minister.”.

18. After section 34 of the Principal Act the following section is inserted:

Deputy Chairperson

“34A. (1) The Minister shall appoint one of the members (other than the member referred to in paragraph 34 (1) (a) or (b)) to be the Deputy Chairperson of the Board.

“(2) The Minister shall not appoint or re-appoint a member as the Deputy Chairperson unless the Minister has consulted with the Chairperson and the Presiding Member concerning the appointment or re-appointment.

“(3) The Minister may, at any time, terminate an appointment under sub-section (1).

“(4) A person appointed as Deputy Chairperson ceases to hold office as Deputy Chairperson if—

(a) the person ceases to be a member; or

(b) the person resigns that office by writing signed by the person and delivered to the Minister.

“(5) The Deputy Chairperson may be referred to as the Deputy Chairman or Deputy Chairwoman, as the case requires.”.

Repeal of section 35

19. Section 35 of the Principal Act is repealed.

Term of office of members

20. Section 35A of the Principal Act is amended by omitting sub-section (1) and substituting the following sub-section:

“(1) Subject to this Division, a member appointed after the commencement of this sub-section holds office for such period, not exceeding 3 years, as is specified in his or her instrument of appointment, but is eligible for re-appointment.”.

Acting Chairperson

21. Section 36 of the Principal Act is amended—

(a) by omitting sub-section (1) and substituting the following sub-section:

“(1) Where there is a vacancy in the office of Chairperson or the Chairperson is absent from duty or from Australia or is, for any other reason, unable to perform the functions of the office of Chairperson—

(a) the Deputy Chairperson shall act as Chairperson; or

(b) if there is no Deputy Chairperson or the Deputy Chairperson is not available to act as Chairperson—the Board may appoint a member to act as Chairperson, but such an appointment ceases to have effect if a person is appointed as Deputy Chairperson or the Deputy Chairperson becomes available to act as Chairperson, as the case may be.”;

(b) by omitting from sub-section (2) “sub-section (1)” and substituting “paragraph (1) (b)”;

(c) by omitting from sub-section (3) “Minister” and substituting “Board”;

(d) by omitting from sub-section (5) “sub-section (1)” and substituting “paragraph (1) (b)”;

(e) by omitting sub-section (6); and

(f) by inserting in sub-section (7) “under paragraph (1) (b)” after “member” (first occurring).

Alternate members

22. Section 36A of the Principal Act is amended by omitting sub-section (3) and substituting the following sub-section:

“(3) Subject to this Division, the alternate of such a member holds office until the end of the term of office of that member, but is eligible for re-appointment.”.

Remuneration and allowances of members of Board

23. Section 37 of the Principal Act is amended—

(a) by omitting from sub-section (1) “A member” and substituting “Subject to sub-sections (3A) and (3B), a member”; and

(b) by inserting after sub-section (3) the following sub-sections:

“(3A) If—

- (a) a person who is a member of the Board is also a member of, or a candidate for election to, the Parliament of a State; and
- (b) under the law of that State, the person would not be eligible to remain, or to be elected as, a member of that Parliament if he or she were entitled to remuneration under this Act,

the person shall not be paid remuneration or allowances under this Act but shall be reimbursed such expenses as the person reasonably incurs by reason of the person’s performing the functions of a member.

“(3B) If a person who is a member of the Board is also—

- (a) a member of the Parliament of a State (other than a State referred to in sub-section (3A)); or
- (b) in the service or employment of a State or an authority of a State or a person who holds or performs the duties of any office or position established by or under a law of a State, on a full-time basis,

it is a condition of the person’s holding the office of member that the person pay to the State, within one month of receiving an amount of remuneration under this Act, an amount equal to that first-mentioned amount, and the person—

- (c) shall not be paid allowances under this Act; and
- (d) shall be reimbursed such expenses as the person reasonably incurs by reason of the person’s performing the functions of a member.

“(3C) An amount payable to a State by a person under sub-section (3B) is a debt due to the State, and the State may recover that amount by action against the person in a court of competent jurisdiction.

“(3D) In this section—

‘Parliament’, in relation to the Northern Territory, means the Legislative Assembly of the Northern Territory;

‘State’ includes the Northern Territory.”.

Termination of appointments of members of Board

24. Section 40 of the Principal Act is amended by inserting after paragraph (2) (a) the following paragraph:

- “(aa) a member to whom sub-section 37 (3B) applies fails, without reasonable excuse, to comply with the condition referred to in that sub-section;”.

Disclosure of interests by members

25. Section 41 of the Principal Act is amended by adding at the end the following sub-section:

“(4) This section does not apply to a pecuniary interest of a member who is a wheat grower, being an interest that the member has by reason of being a wheat grower and in common with other wheat growers.”.

Appointment of officers

26. Section 45 of the Principal Act is amended by omitting from sub-section (2) “with the approval of the Public Service Board”.

27. After Part IV of the Principal Act the following Part is inserted:

“PART IVA—CORPORATE AND ANNUAL PLANS

“Division 1—Corporate Plans

Board to develop corporate plans

“45A. (1) The Board shall, before 1 September 1986 and before 1 July in each subsequent calendar year, prepare and give to the Minister a corporate plan relating to such period, being a period of 3, 4 or 5 years commencing on the following 1 October, as the Board determines.

“(2) A corporate plan shall—

- (a) define what, in the opinion of the Board, should be the principal objectives of the Board during the period to which the plan relates;
- (b) give a broad outline of the strategies that should, in the opinion of the Board, be pursued during that period in achieving those objectives; and
- (c) set out the Board’s assessment of the market outlook for the wheat industry for that period and the reasons for that assessment.

Approval of corporate plans

“45B. (1) Where a copy of a corporate plan is given to the Minister, the Minister may, by notice in writing given to the Board—

- (a) approve the plan; or
- (b) if the Minister is of the opinion that, in the interests of the wheat industry or of a particular sector of the wheat industry, the plan should be revised in some respect—request the Board to revise the plan appropriately.

“(2) The Minister shall include in the notice of a request under paragraph (1) (b) a statement setting out the Minister’s reasons for making the request.

“(3) Where the Board receives a request under paragraph (1) (b), the Board shall consider the request and statement of reasons, make such revision of the corporate plan as it considers appropriate and re-submit the revised plan to the Minister for approval.

“(4) A corporate plan comes into force—

(a) at the commencement of the period to which the plan relates; or

(b) on the day on which the Board receives notice of the Minister’s approval,

whichever is the later.

Variation of corporate plans by Board

“45C. (1) Subject to sub-section (4), the Board shall not vary a corporate plan except with the approval of the Minister.

“(2) Where the Board wishes to vary a corporate plan, the Board shall prepare written proposals for the variations and give a copy of the proposals to the Minister together with a statement setting out the Board’s reasons for making the proposals.

“(3) The Minister may, after considering proposals for variations of a corporate plan submitted under sub-section (2) and the reasons for making those proposals, by notice in writing given to the Board, approve or reject the proposals.

“(4) Nothing in this section prevents the Board making variations of a minor nature to a corporate plan.

Variations of corporate plans at request of Minister

“45D. (1) The Minister may, by notice in writing given to the Board, request the Board to vary a corporate plan in the manner set out in the notice of request.

“(2) Where the Minister makes a request under sub-section (1), the Minister shall include in the notice of request a statement setting out the Minister’s reasons for making the request.

“(3) Where the Board receives a request under sub-section (1), the Board shall consider the request and statement of reasons, prepare written proposals for such variations of the plan as the Board considers appropriate and submit those proposals to the Minister for approval.

“(4) The Minister may, after considering proposals for variations of a corporate plan submitted under sub-section (3), by notice in writing given to the Board, approve or reject the proposals.

Date of effect of variations

“45E. Where—

(a) a corporate plan has come into force; and

(b) a variation to the plan is approved by the Minister under section 45C or 45D or the Board makes a variation of a minor nature to the plan,

the plan shall continue in force as so varied on and after the day on which the Board receives notice of the Minister’s approval or the day on which the Board makes the variation of a minor nature, as the case may be.

“Division 2—Annual Operational Plans

Board to develop annual operational plans

“45F. (1) The Board shall, before 1 September 1986 and before 1 August in each subsequent calendar year, prepare and give to the Minister an annual operational plan relating to the financial year commencing on the following 1 October.

“(2) An annual operational plan shall set out particulars of the action that the Board intends to take in order to give effect to or further, during the financial year to which the plan relates, the objectives set out in the corporate plan or intended corporate plan that relates or will relate to a period that includes that financial year.

“(3) In this section, ‘financial year’ means a period of 12 months commencing on 1 October.

Approval of annual operational plans

“45G. (1) Where a copy of an annual operational plan is given to the Minister, the Minister may, by notice in writing given to the Board—

- (a) approve the plan; or
- (b) if the Minister is of the opinion that the plan is inconsistent with the provisions of the corporate plan that relates, or the intended corporate plan that will relate, to a period that includes, or will include, the period to which the first-mentioned plan will relate—request the Board to revise the first-mentioned plan appropriately.

“(2) The Minister shall include in the notice of a request under paragraph (1) (b) a statement setting out the Minister’s reasons for making the request.

“(3) Where the Board receives a request under paragraph (1) (b), the Board shall consider the request and statement of reasons, make such revision of the annual operational plan as it considers appropriate and re-submit the revised plan to the Minister for approval.

“(4) An annual operational plan comes into force—

- (a) at the commencement of the period to which the plan relates; or
- (b) on the day on which the Board receives notice of the Minister’s approval,

whichever is the later.

Variation of annual operational plans

“45H. (1) Sections 45C, 45D and 45E apply to annual operational plans in the same manner as those sections apply to corporate plans.

“(2) Where, if a proposed variation of a corporate plan were to be agreed to by the Minister, a relevant annual operational plan would not be consistent with the provisions of the corporate plan, the Board shall, at the time of submitting to the Minister for approval proposals for variation to

the corporate plan, also submit to the Minister proposals for variations in that annual operational plan.”.

Discounting of letters of credit

28. Section 48 of the Principal Act is amended—

(a) by omitting from sub-section (1) “but shall not do so without the approval of the Minister”; and

(b) by inserting after sub-section (1) the following sub-sections:

“(1A) The Minister may, by notice in writing given to the Board—

(a) set guidelines for the purpose of the exercise by the Board of its power under sub-section (1); and

(b) revoke or vary guidelines set for that purpose or set new guidelines for that purpose.

“(1B) The Board shall not discount a letter of credit otherwise than in accordance with guidelines having effect from time to time under sub-section (1A).”.

Payments to Board in respect of underwritten payments

29. Section 49 of the Principal Act is amended by omitting sub-section (2) and substituting the following sub-sections:

“(2) Where a calculation by the Board in accordance with sub-section 27 (4) in relation to wheat of a prescribed category of a season would, if sub-paragraph 27 (2) (a) (ii) and sub-section 27 (9) were disregarded for the purposes of that calculation, result in a number less than zero, there is payable to the Board the amount obtained by multiplying the number of tonnes of wheat of that category of that season acquired by the Board (whether under this Act or a State Act) by the number of dollars equal to the number by which that result was less than zero.

“(2A) Where—

(a) in relation to wheat of a season, the Board—

(i) entered into or dealt with a contract to which section 6 applies otherwise than for hedging purposes or otherwise than in accordance with guidelines having effect under sub-section 6 (2); or

(ii) discounted a letter of credit otherwise than in accordance with guidelines having effect under sub-section 48 (1A);

(b) an amount would, apart from this sub-section, be payable to the Board under this section in respect of wheat of that season; and

(c) the Minister is of the opinion that, if the Board had entered into or dealt with that contract for hedging purposes or in accordance with the relevant guidelines or had discounted that letter of credit in accordance with the relevant guidelines, as the case may be—

(i) no amount would be payable to the Board under this section in respect of wheat of that season; or

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- (ii) the amount that would be payable to the Board under this section in respect of wheat of that season would be less than the amount referred to in paragraph (b),

then—

- (d) in a case to which sub-paragraph (c) (i) applies—no amount is payable to the Board under this section in respect of wheat of that season; or
- (e) in a case to which sub-paragraph (c) (ii) applies—the amount that would, apart from this sub-section, be payable to the Board under this section in respect of wheat of that season shall be reduced by such amount as the Minister determines in writing.”.

Payments to Board of certain proceeds of tax on permits

30. Section 50 of the Principal Act is amended by adding at the end the following sub-section:

“(2) There is payable to the Board in respect of each season an amount equal to the difference between—

- (a) the amount of tax paid under paragraph 6 (a) of the *Wheat Tax (Permit) Act 1984* in respect of permits issued by the Board under section 22 of this Act or the corresponding provision of a State Act during each season; and
- (b) the amount of tax that would have been so paid in respect of those permits if the total quantity of wheat authorised by those permits to be purchased during that season had been the same as the total quantity of wheat that was purchased under those permits during that season.”.

Application of moneys of Board

31. Section 53 of the Principal Act is amended by omitting from paragraph (aa) “ by the Presiding Member or the Committee in or in connection with the performance of the Committee’s functions” and substituting “, on or after 1 July 1985, in connection with the selection and nomination of members referred to in paragraph 34 (1) (c) or (d) or of alternates of members referred to in paragraph 34 (1) (c)”.

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

32. Section 55 of the Principal Act is amended by omitting sub-section (2) and substituting the following sub-section:

“(2) Division 2 of Part XI of the *Audit Act 1901* applies in relation to the Board—

- (a) as if the reference in sub-section 63D (1) of that Act to an approved bank or approved banks included a reference to the Reserve Bank of Australia;
- (b) as if sub-section 63E (1) of that Act were omitted and the following sub-section were substituted:

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‘(1) Moneys of the authority held in relation to a season as defined in sub-section 3 (1) of the *Wheat Marketing Act 1984* not immediately required for the purposes of the authority with respect to that season, or moneys of the authority held otherwise than in relation to a season, may be invested—

- (a) on deposit with an approved bank;
- (b) in Commonwealth securities; or
- (c) in any other manner approved by the Treasurer.’;
- (c) where an auditor of the Board has been appointed under sub-section 55A (6)—as if references in section 63G of that Act to the Auditor-General were references to the auditor so appointed; and
- (d) as if section 63H of that Act were omitted.”.

33. After section 55 of the Principal Act the following section is inserted:

Appointment of commercial auditors

“55A. (1) The Board may, after consultation with the executive of the Australian Wheatgrowers’ Federation, request the Minister, in writing, to appoint a company auditor specified in the request to be the auditor of the Board.

“(2) Where the Minister receives a request under sub-section (1), the Minister shall cause particulars of the request to be given to the Auditor-General.

“(3) Where particulars of a request under sub-section (1) are given to the Auditor-General under sub-section (2), the Auditor-General shall consider whether or not the company auditor referred to in the request is suitable to be the auditor of the Board and shall inform the Minister in writing of the Auditor-General’s decision and of the reasons for that decision.

“(4) Where the Auditor-General has informed the Minister that the Auditor-General is satisfied that a company auditor is suitable to be the auditor of the Board, the Minister shall cause to be given to the Chairman of the Joint Committee of Public Accounts particulars of the request and of the Auditor-General’s advice.

“(5) The Joint Committee of Public Accounts shall consider the advice given by the Auditor-General and shall inform the Minister in writing whether or not that Committee agrees to the appointment of the company auditor as the auditor of the Board.

“(6) If the Joint Committee of Public Accounts informs the Minister that it agrees to the appointment of the company auditor as the auditor of the Board, the Minister may, in writing, appoint that auditor accordingly.

“(7) Where an appointment has been made under sub-section (6), the Minister may, by writing, revoke that appointment.

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“(8) Where the Minister makes an appointment under sub-section (6), the Minister shall inform the Board in writing of the making of the appointment.

“(9) Where—

(a) the Auditor-General decides that a particular company auditor is not suitable to be the auditor of the Board;

(b) the Minister refuses to make an appointment under sub-section (6); or

(c) the Minister revokes an appointment made under sub-section (6), the Minister shall inform the Board, in writing, of the decision and of the reasons for the decision.

“(10) Where the Joint Committee of Public Accounts informs the Minister that that Committee does not agree to the appointment of a particular company auditor as the auditor of the Board, the Minister shall inform the Board in writing of the decision.

“(11) In this section, ‘company auditor’ means a firm carrying on the business of auditing accounts.”.

Annual report

34. Section 63 of the Principal Act is amended—

(a) by omitting sub-section (3) and substituting the following sub-section:

“(3) The Board shall include in each report under sub-section (1)—

(a) the text of all directions given to the Board under section 11 during the year to which the report relates, and a statement setting out the effect that, in the opinion of the Board, those directions had on the operations of the Board;

(b) details of any contract (not being a contract to which section 6 applies) or agreement in connection with the purchase of real or personal property (not being grain or an interest in a vessel) for an amount exceeding \$500,000 entered into by the Board during the year to which the report relates;

(c) where, during the year to which the report relates, a variation has been made in a corporate plan or annual operational plan with the approval of the Minister—a statement to the effect that those variations were made.”; and

(b) by adding at the end the following sub-section:

“(7) Where an auditor of the Board has been appointed under sub-section 55A (6), references in this section to the Auditor-General shall be read as references to the auditor so appointed.”.

**PART III—AMENDMENTS OF THE RURAL INDUSTRIES
RESEARCH ACT 1985**

Principal Act

35. The *Rural Industries Research Act 1985*² is in this Part referred to as the Principal Act.

Interpretation

36. Section 4 of the Principal Act is amended by inserting after subsection (1) the following sub-section:

“(1A) For the purposes of this Act, a tax imposed under the *Wheat Tax (Permit) Act 1984* on a permit issued by the Australian Wheat Board shall be deemed to be a tax imposed on the wheat authorised by that permit to be purchased.”.

Establishment and functions of State Research Committees

37. Section 12 of the Principal Act is amended by omitting from subsection (2) “and the *Wheat Tax Act 1979*” and substituting “, the *Wheat Tax Act 1979* and the *Wheat Tax (Permit) Act 1984*”.

Schedule 1

38. Schedule 1 to the Principal Act is amended—

(a) by inserting in Column 1 of Part V of the Schedule, below the last item listed in the Column:

“Levy imposed by *Wheat Tax (Permit) Act 1984*”; and

(b) by inserting in Column 2 of Part V of that Schedule, below the last item listed in the Column:

“So much of levy referred to in Column 1 as would have been received by virtue of paragraph 6 (a) of the *Wheat Tax (Permit) Act 1984* in respect of permits issued under that Act if the total quantity of wheat authorised by those permits to be purchased had been the same as the total quantity of wheat that was purchased under those permits”.

Schedule 2

39. Schedule 2 to the Principal Act is amended by inserting in Column 1 of Part II of that Schedule, below the last item listed in that Column:

“Levy imposed by *Wheat Tax (Permit) Act 1984*”.

**PART IV—AMENDMENTS OF THE RURAL INDUSTRIES
RESEARCH (TRANSITIONAL PROVISIONS AND
CONSEQUENTIAL AMENDMENTS) ACT 1985**

Principal Act

40. The *Rural Industries Research (Transitional Provisions and Consequential Amendments) Act 1985*³ is in this Part referred to as the Principal Act.

Interpretation

41. Section 4 of the Principal Act is amended by adding at the end the following sub-section:

“(2) For the purposes of this Act, a tax imposed under the *Wheat Tax (Permit) Act 1984* on a permit issued by the Australian Wheat Board shall be deemed to be a tax imposed on the wheat authorised by that permit to be purchased.”.

Certain amounts to be paid from Research Fund

42. Section 9 of the Principal Act is amended by omitting from sub-section (2) “and the *Wheat Tax Act 1979*” and substituting “, the *Wheat Tax Act 1979* and the *Wheat Tax (Permit) Act 1984*”.

Schedule 1

43. Schedule 1 to the Principal Act is amended by inserting in Column 1 of Part V of that Schedule, below the last item listed in that Column:

“Levy imposed by *Wheat Tax (Permit) Act 1984*”.

PART V—AMENDMENTS OF THE WHEAT TAX (PERMIT) COLLECTION ACT 1984

Principal Act

44. The *Wheat Tax (Permit) Collection Act 1984*⁴ is in this Part referred to as the Principal Act.

Payments by Board to taxpayers

45. Section 5 of the Principal Act is amended—

- (a) by omitting “Where” and substituting “Subject to sub-section (2), where”;
- (b) by omitting “, on application in writing made to the Board,”; and
- (c) by adding at the end the following sub-section:

“(2) Where the Board is unable to make a refund to a person as mentioned in sub-section (1), the Board shall pay the amount of the refund to the Commonwealth.”.

PART VI—OPERATION OF RURAL INDUSTRIES RESEARCH REGULATIONS

Operation of Rural Industries Research Regulations

46. The Rural Industries Research Regulations, being Statutory Rules 1986 No. 2, as amended, shall have effect after the commencement of this section as if “Levy imposed by the *Wheat Tax (Permit) Act 1984*” were inserted in column 2 of item 4 of Schedule 2 to those regulations after “Levy imposed by the *Wheat Tax Act 1979*”, and the Wheat Research Trust Fund established by virtue of the making of those regulations shall be

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deemed to have been established also in relation to the levy imposed under the *Wheat Tax (Permit) Act 1984* on permits issued by the Australian Wheat Board.

NOTES

1. No. 141, 1984, as amended. For previous amendments, see No. 91, 1985.
2. No. 102, 1985. For previous amendments, see No. 19, 1986.
3. No. 103, 1985.
4. No. 143, 1984.

[*Minister's second reading speech made in—
House of Representatives on 16 April 1986
Senate on 7 May 1986*]