



# Wheat Marketing Amendment Act 1988

No. 113 of 1988

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## An Act to amend the *Wheat Marketing Act 1984*

[Assented to 12 December 1988]

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

### Short title etc.

1. (1) This Act may be cited as the *Wheat Marketing Amendment Act 1988*.

(2) In this Act, "Principal Act" means the *Wheat Marketing Act 1984*.

### Commencement

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

### Interpretation

3. Section 3 of the Principal Act is amended:

(a) by omitting from subsection (1) the definition of "authorized receiver";

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- (b) by inserting in subsection (1) the following definitions:
- “‘authorised carrier’ means a person with whom the Board has entered into a contract with respect to the carriage of the Board’s wheat;
  - ‘authorised handler’ means a person with whom the Board has entered into a contract with respect to the handling of the Board’s wheat;
  - ‘authorised provider of port services’ means a person with whom the Board has entered into a contract with respect to the provision of port services to the Board in connection with the carriage of the Board’s wheat;
  - ‘authorised receiver’ means a body corporate authorised to receive wheat on behalf of the Board under section 10 or under a corresponding provision of a State Act;”.

**Objects, functions and powers of Board**

**4. Section 5 of the Principal Act is amended:**

- (a) by omitting subsection (1) and substituting the following subsection:
- “(1) The Board shall perform its functions and exercise its powers:
    - (a) with the principal object of maximising the net return to growers from the marketing of wheat; and
    - (b) to the extent that it can do so consistently with the principal object, with the objects of:
      - (i) securing, developing and maintaining markets for wheat; and
      - (ii) minimising costs for the storage, handling and carriage of wheat and the provision of port services in connection with the carriage of wheat.”;
- (b) by omitting paragraph (2) (g) and substituting the following paragraph:
- “(g) to co-operate and consult with, and make recommendations to, authorised receivers, authorised handlers, authorised carriers and authorised providers of port services with respect to services provided by them and other matters relating to the marketing of wheat;”;
- (c) by omitting paragraph (4) (g) and substituting the following paragraphs:
- “(g) enter into contracts with such bodies corporate as the Board thinks fit with respect to the storage and handling of the Board’s wheat;
  - (ga) enter into contracts with such persons as the Board thinks fit with respect to:
    - (i) the handling, and carriage (both by rail and by road), of the Board’s wheat; and
    - (ii) the provision of port services to the Board;”;

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(d) by inserting after subsection (7) the following subsection:

“(7A) Wherever it is practicable to do so without incurring significant additional net costs, the Board shall in accounting to a grower for the net payment in respect of wheat acquired by the Board from the grower, specify separately the charges made by the Board in respect of each of the following:

- (a) the storage of the wheat;
- (b) the handling of the wheat;
- (c) the carriage of the wheat (whether by land or by sea);
- (d) the provision of port services in connection with the carriage of the wheat.”.

**Authorised receivers**

5. Section 10 of the Principal Act is amended by omitting subsection (1) and substituting the following subsection:

“(1) The following bodies corporate are authorised to receive wheat on behalf of the Board:

- (a) any State corporation; and
- (b) any body corporate with which the Board has entered into a contract with respect to the storage and handling of the Board’s wheat.”.

**Guaranteed minimum price**

6. Section 15 of the Principal Act is amended by omitting from subsection (5) “Bureau of Agricultural Economics” and substituting “Australian Bureau of Agricultural and Resource Economics”.

**Advance payments for wheat of season other than last 2 seasons**

7. Section 26 of the Principal Act is amended:

(a) by omitting from subsection (3) “Bureau of Agricultural Economics” and substituting “Australian Bureau of Agricultural and Resource Economics”;

(b) by omitting paragraphs (6) (b) and (c) and substituting the following paragraphs:

“(b) where the wheat was delivered to the Board—charges by the Board in respect of costs for the storage, handling and carriage (whether by land or by sea) of the wheat and the provision of port services in connection with the carriage of the wheat;”;

(c) where the wheat was not delivered to the Board—charges that the Board would have made, if the wheat had been delivered to it, in respect of costs referred to in paragraph (b);”;

(c) by inserting after subsection (8) the following subsection:

“(8A) Where the Board has, for the purpose of calculating the amount of an advance payment under subsection (2) or (5), determined an allowance with respect to any charges referred to in paragraph (6) (b) or (c), the Board shall, if it is of the opinion that

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it is practicable to do so without incurring significant additional net costs, in any account issued by the Board in respect of the advance payment:

- (a) identify the matters in respect of which the charges have been made; and
- (b) specify separately the amount of charge in respect of each of those matters.”.

**Remuneration of authorised receivers**

**8.** Section 56 of the Principal Act is amended:

(a) by inserting after subsection (2) the following subsection:

“(2A) A contract between the Board and a body corporate (other than a State corporation) with respect to the storage and handling of the Board’s wheat has effect during the period commencing on such day as is specified in the contract and expiring on 30 June 1989.”;

- (b) by omitting from subsection (3) “an agreement to which subsection 67 (5) applies” and substituting “a contract referred to in subsection (2A)”;
- (c) by omitting from subsection (4) all words to and including “amount” (first occurring) and substituting “The Board shall pay to the authorised receivers in a State amounts equal, in the aggregate, to the amount”;
- (d) by omitting from paragraph (4) (b) “that authorised receiver” and substituting “those authorised receivers”.

**Repeal of section 57**

**9.** Section 57 of the Principal Act is repealed.

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**NOTE**

- 1. No. 141, 1984, as amended. For previous amendments, see No. 91, 1985; Nos. 82 and 168, 1986; and Nos. 1 and 172, 1987.

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[*Minister’s second reading speech made in—  
House of Representatives on 19 October 1988  
Senate on 10 November 1988*]