

This PUBLIC BILL originated in the LEGISLATIVE ASSEMBLY, and, having this day passed, is now ready for presentation to the LEGISLATIVE COUNCIL for its concurrence.

I. P. K. VIDLER,
Clerk of the Legislative Assembly.

*Legislative Assembly Chamber,
Sydney, 27 November, 1968.*

New South Wales



ANNO SEPTIMO DECIMO

ELIZABETHÆ II REGINÆ

Act No. , 1968.

An Act to make certain provisions in relation to the marketing of wheat and the stabilization of the wheat industry; to repeal the Wheat Industry Stabilization Act, 1963, as subsequently amended; to amend the Grain Elevators Act, 1954, as subsequently amended; and for purposes connected therewith.

BE

Wheat Industry Stabilization.

BE it enacted by the Queen's Most Excellent Majesty, by
and with the advice and consent of the Legislative
Council and Legislative Assembly of New South Wales in
Parliament assembled, and by the authority of the same, as
5 follows :—

PART I.

PRELIMINARY.

1. This Act may be cited as the "Wheat Industry Stabili- Short title.
zation Act, 1968".
- 10 2. (1) This Act shall be deemed to have commenced on Commence-
the twenty-second day of November, one thousand nine ment.
hundred and sixty-eight.

(2) An act or omission which occurred before the date
on which this Act received the Royal Assent shall not be
15 deemed to be an offence against this Act.

3. This Act is divided into Parts as follows :—

Division
into Parts.

PART I.—PRELIMINARY—ss. 1–7.

PART II.—POWERS OF THE AUSTRALIAN WHEAT
BOARD—ss. 8–10.

20 PART III.—DELIVERY OF WHEAT TO THE AUSTRALIAN
WHEAT BOARD—ss. 11–21.

PART IV.—MISCELLANEOUS—ss. 22–24.

4. (1) (a) The Wheat Industry Stabilization Act, 1963, Repeal of
is hereby repealed. Act No.
60, 1963.
- 25 (b) The Decimal Currency Act, 1965, as subse- Amendment
quently amended, is amended by omitting from the First of Act No.
Schedule the matter relating to Act No. 60, 1963. 33, 1965.

(c)

Wheat Industry Stabilization.

(c) The Grain Elevators Act, 1954, as subsequently amended, is amended— Amendment of Act No. 36, 1954.

5 (i) by omitting from section three the definition of “Australian Wheat Board” and by inserting in lieu thereof the following definition :— Sec. 3. (Definitions.)

10 “Australian Wheat Board” means the Australian Wheat Board continued in existence by the Wheat Industry Stabilization Act 1968 of the Parliament of the Commonwealth of Australia.

(ii) by omitting from section twenty-one the figures “1963” and by inserting in lieu thereof the figures “1968”. Sec. 21. (Board may make charges.)

15 (2) Notwithstanding the repeal effected by paragraph (a) of subsection one of this section, but subject to subsection three of this section, any provisions of an Act that would, but for that repeal, have continued to apply to, or in relation to, wheat harvested before the first day of October, one thousand nine hundred and sixty-eight, continue so to apply, but this
20 subsection does not prejudice the application to, or in relation to, any such wheat of a provision of this Act that is expressed to apply to, or in relation to, wheat of any season.

25 (3) Any moneys paid to the Board by the Commonwealth of Australia in respect of losses, in relation to wheat of a season to which the Wheat Industry Stabilization Act, 1963, or that Act as subsequently amended, applied, arising from the devaluation of sterling and other currencies shall be deemed to have been and to be part of the net return from the disposal by the Board of wheat of that season.

30 (4) A reference in any of the provisions referred to in subsection two of this section to the Australian Wheat Board established or continued in existence by an Act of the Parliament of the Commonwealth of Australia, shall, in relation to things done or to be done after the commencement of this
35 Act, be read as a reference to the Board as continued in existence by the Commonwealth Act and conducting its proceedings in accordance with the Commonwealth Act.

(5)

Wheat Industry Stabilization.

(5) Wheat harvested on or after the first day of October, one thousand nine hundred and sixty-eight, and delivered to the Board before the commencement of this Act (including wheat delivered to a licensed receiver within the meaning of the Wheat Industry Stabilization Act, 1963, as subsequently amended) shall be deemed to have been delivered in pursuance of section eleven of this Act, and any advance payment made by the Board in respect of any such wheat before the commencement of this Act shall be deemed to have been made in pursuance of this Act.

5. In this Act, except in so far as the context or subject-matter otherwise indicates or requires—

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

15 “Commonwealth Act” means the Wheat Industry Stabilization Act 1968 of the Parliament of the Commonwealth of Australia, and includes that Act as amended at any time;

20 “Commonwealth Minister” means the Minister of State of the Commonwealth of Australia administering the Commonwealth Act, or another Minister of State of the Commonwealth of Australia acting for and on behalf of that Minister;

25 “Grain Elevators Board” means the Grain Elevators Board constituted under the Grain Elevators Act, 1954, as subsequently amended;

“guaranteed price”, in relation to wheat of a season, has the same meaning as in the Commonwealth Act;

30 “licensed receiver” means a person, firm, company or State authority licensed by the Board to receive wheat on behalf of the Board;

35 “season”, in relation to wheat, means the period of twelve months, commencing on the first day of October in any year, during which the wheat was harvested;

“wheat” means wheat of a season referred to in subsection one of section six of this Act.

Wheat Industry Stabilization.

6. (1) Subject to this section, this Act applies in relation to the season that commenced on the first day of October, one thousand nine hundred and sixty-eight, and each of the next six succeeding seasons.

Application
of Act.

5 (2) Subsections seven and eight of section fourteen of this Act apply only in relation to the season that commenced on the first day of October, one thousand nine hundred and sixty-eight and the next four succeeding seasons.

7. (1) This Act shall be read and construed subject to the Commonwealth of Australia Constitution Act and so as not to exceed the legislative power of the State, to the intent that where any provision of this Act or the application thereof to any person or circumstance is held invalid, the remainder of this Act and the application of the provision to other persons or circumstances shall not be affected.

Act to
apply sub-
ject to
Constitution.

(2) If, by reason of the Commonwealth of Australia Constitution Act, a provision of this Act, or a notice under a provision of this Act, cannot validly apply in relation to any particular wheat or class of wheat, that provision or notice shall be construed as intended to operate in relation to all wheat to which it purports to apply, being wheat in relation to which it can validly apply.

PART II.

POWERS OF THE AUSTRALIAN WHEAT BOARD.

- 25 8. (1) The Board may—
- (a) purchase wheat, wheaten flour, semolina, corn sacks, jute or jute products;
 - (b) accept the delivery of wheat to it;
 - (c) sell or dispose of, or make agreements for the sale or disposal of, wheat, wheaten flour, semolina, corn sacks, jute or jute products;
- 30

Powers of
Board.

(d)

Wheat Industry Stabilization.

- (d) grist or arrange for the gristing of wheat, and sell or otherwise disposed of the products of the gristing;
- 5 (e) 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 :
- 10 Provided that the exercise of this power shall be subject to the provisions of any Act and the regulations thereunder with respect to the conditions under which wheat is received for storage by the Grain Elevators Board; and
- 15 (f) do all things that the Board is required or permitted by this Act to do or that are conducive to the exercise of the foregoing powers or are necessary or convenient to be done by the Board for giving effect to this Act.
- 20 (2) The Commonwealth 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.

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

10. (1) Subject to this section, the Board may grant a Licensed
licence in writing, subject to such conditions as are specified receivers.
in the licence, to a person, firm, company or State authority
to receive wheat on behalf of the Board, and may cancel or
30 suspend any such licence.

(2) The Grain Elevators Board is entitled to a licence under this section.

(3)

Wheat Industry Stabilization.

(3) A licence to receive wheat on behalf of the Board that was in force immediately before the commencement of this Act shall be deemed to have been granted under this section.

5 (4) As from a day to be appointed by the Governor and notified by proclamation published in the Gazette—

(a) all licences granted or deemed to have been granted under this section (other than the licence granted to the Grain Elevators Board) and in force in the State shall be deemed to be cancelled; and

10 (b) all wheat to be delivered to the Board in the State shall be delivered to the Grain Elevators Board as the sole licensed receiver of wheat on behalf of the Board in the State.

15 (5) The remuneration payable to the Grain Elevators Board as a licensed receiver shall be as agreed between the Minister and the Commonwealth Minister.

PART III.

DELIVERY OF WHEAT TO THE AUSTRALIAN WHEAT BOARD.

20 **11.** (1) Subject to this Act, a person who is in possession of wheat may deliver that wheat to the Board. Delivery of wheat.

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

25 (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

Wheat Industry Stabilization.

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

- 5 (c) to deliver to the Board, in accordance with any directions in the notice, any wheat that is in the possession of that person; or
- (d) to deliver to the Board, in accordance with any directions in the notice, any wheat that, during such period as is specified in the notice, comes into the possession of that person.
- 10 (3) Upon delivery of wheat to the Board under this section, the wheat (including any corn sacks in which the wheat is contained) becomes the absolute property of the Board, freed from all mortgages, charges, liens, pledges, interests and trusts.
- 15 (4) Nothing in this section applies to—
- (a) wheat retained by the grower for use on the farm where it is grown;
- (b) wheat that has been sold by the Board; or
- 20 (c) wheat sold or delivered to a person with the approval of the Board.
- (5) A person shall not—
- (a) without reasonable excuse, refuse or fail to deliver any wheat to the Board as required by a notice under subsection two of this section; or
- 25 (b) deliver to the Board wheat that has previously been sold by the Board.

Any person guilty of an offence against the provisions of this subsection is liable to a penalty not exceeding thrice the value of the wheat in respect of which the offence is committed, calculated at the guaranteed price for wheat of the season that is current at the time of the offence, or imprisonment for a term not exceeding six months, or both.

Where there is no such guaranteed price for the wheat in respect of which the offence was committed, the person 35 guilty of the offence shall be liable to a penalty not exceeding five dollars per bushel of the wheat, or imprisonment for a term not exceeding six months, or both.

Wheat Industry Stabilization.

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

Delivery to
licensed
receiver.

5 (2) Nothing in this Act affects the operation of a scheme of apportionment of storage space under section 12A of the Grain Elevators Act, 1954, as subsequently amended.

10 (3) A person who delivers wheat to a licensed receiver shall, at the same time, furnish to the licensed receiver in writing the names and addresses of all persons known by him to have or to claim an interest in the wheat, in any corn sacks in which the wheat is contained or in the payment to be made for the wheat or corn sacks, and all particulars known to him of those interests.

15 13. (1) Except as provided in sections eleven and twelve of this Act, or with the consent in writing of the Board, a person shall not—

Un-
authorized
dealings
with
wheat.

20 (a) sell, deliver or part with the possession of, or take into his possession, wheat of any season other than wheat specified in paragraph (b) or (c) of subsection four of section eleven of this Act;

(b) part with the possession of, or take into his possession, wheat of any season that is the property of the Board; or

25 (c) purport to sell or offer for sale, or purport to purchase or offer to purchase (otherwise than from the Board), wheat of any season that is the property of the Board.

30 Any person guilty of an offence against the provisions of this subsection is liable to a penalty not exceeding thrice the value of the wheat in respect of which the offence is committed, calculated at the guaranteed price for wheat of the season that is current at the time of the offence, or imprisonment for a term not exceeding six months, or both.

Where

Wheat Industry Stabilization.

Where there is no such guaranteed price for the wheat in respect of which the offence was committed, the person guilty of the offence shall be liable to a penalty not exceeding five dollars per bushel of the wheat, or imprisonment for a term
5 not exceeding six months, or both.

(2) For the purposes of this section, a person shall not be taken to part with the possession of wheat by reason only of the fact that he uses the wheat on the farm where it was grown.

10 14. (1) Where wheat is delivered to the Board in pursuance of this Act, the Board shall pay for that wheat (including the corn sacks, if any, in which the wheat is delivered) an amount determined by the Board in accordance with this section. Price to be paid for wheat.

15 (2) The Board shall determine amounts payable under subsection one of this section in respect of wheat of a season by—

20 (a) ascertaining the net proceeds of the disposal by the Board of all wheat of that season delivered to the Board in Australia (whether in pursuance of this Act or otherwise);

25 (b) deducting from the amount so ascertained an amount determined by the Board having regard to the extent to which freight charges in respect of the export of wheat of that season from the State of Western Australia are lower than freight charges in respect of the export of wheat for that season from other places in Australia, but not exceeding an amount calculated at the rate of two and one-half
30 cents per bushel in respect of the wheat of that season exported from the State of Western Australia; and

35 (c) ascertaining the share in the remaining amount of each person entitled to payment under this section by apportioning that remaining amount amongst the persons who delivered wheat of that season to the Board in Australia (whether in pursuance of this

Wheat Industry Stabilization.

5 this Act or otherwise) on the basis of the number
of bushels of wheat so delivered by each such
person, with proper allowance for differences in the
quality of wheat and for transport charges for the
carriage of wheat to the terminal port from the
place at which the wheat was delivered to the
Board, corn sacks in which wheat was supplied to
the Board, additional costs incurred by the Board in
10 the handling and storage of wheat delivered to the
Board in corn sacks and other necessary adjust-
ments in particular cases.

(3) For the purposes of this section, the Board is
not bound to preserve the identity of wheat of a season, and
may keep its accounts in respect of sales in such manner as
15 will, in its judgment, attribute sales to wheat of different
seasons in an equitable manner.

(4) The Board is not bound to make a final pay-
ment in respect of wheat of a season until it has disposed of
the whole of the wheat of that season delivered to it in
20 Australia (whether in pursuance of this Act or otherwise),
but the Board may, with the approval of the Commonwealth
Minister, make from time to time such advance payments
as it considers justified.

(5) Subject to this section, the net proceeds of the
25 disposal of wheat of a season shall, for the purposes of this
section, be deemed to be the net return from the disposal of
the wheat (including corn sacks in which the wheat was sold)
after paying—

- 30 (a) any charge imposed by the Wheat Export Charge
Act 1968 of the Parliament of the Commonwealth
of Australia in relation to wheat of that season;
and
- (b) costs (including interest and costs of administration,
storage and transport, other than transport to the
35 terminal port from the place at which the wheat is
delivered to the Board) 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.

(6)

Wheat Industry Stabilization.

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

- 5 (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;
- 10 (b) there shall be taken into account such of the payments made or received by the Board in accordance with subsection two of section thirteen of the Commonwealth Act as the Board considers may equitably be related to wheat of that season; and
- 15 (c) no account shall be taken of moneys to which section twenty-one of this Act, or a corresponding provision of the Commonwealth Act or of an Act of another State, applies or of costs of the Board payable out of those moneys.

(7) Where the average price per bushel contracted to be paid to the Board for wheat of a season in relation to which this subsection applies exported by the Board, or sold by the Board for export, is less than the guaranteed price, the net proceeds from the disposal of wheat of that season by the Board shall, for the purposes of this section, be deemed to be increased by the amount that becomes payable to the Board in respect of that season under the Commonwealth Act out of the Wheat Prices Stabilization Fund referred to in that Act.

(8) In ascertaining the average price for the purposes of subsection seven of this section—

- 30 (a) a price contracted to be paid, in any currency, in respect of a sale other than a sale of fair average quality bulk wheat free on board at the port of export shall be deemed to be the price that would have been the corresponding price, in that currency, for a sale of the same quantity of fair average quality bulk wheat free on board at the port of export; and
- 35

(b)

Wheat Industry Stabilization.

(b) where the price contracted to be paid to the Board for any wheat or, where paragraph (a) of this subsection is applicable, the price that is, by virtue of that paragraph, to be deemed to be the price contracted to be paid to the Board for any wheat, is expressed in a currency other than Australian currency, that price shall be converted to its equivalent in Australian currency according to the appropriate rate of exchange applicable at the date of the contract or, where the price contracted to be paid was not, at the date of the contract, an ascertained amount, at the date on which the amount of the price became ascertained.

(9) The obligation of the Board under this section in respect of any wheat is subject to the operation of section eight of the Wheat Tax Act 1957-1966 of the Parliament of the Commonwealth of Australia.

15. (1) The amount payable under this Act in respect of any wheat, or wheat and corn sacks, is payable to the person who would have been entitled to receive the price of the wheat if the wheat had been lawfully sold to the Board at the time of the delivery of the wheat.

Payment
by Board.

(2) The same rights (if any) exist against the person receiving an amount paid by the Board under this Act in respect of wheat, or wheat and corn sacks, as would exist if the moneys so paid were the proceeds of a sale or purported sale of the wheat, or wheat and corn sacks, 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)

Wheat Industry Stabilization.

(4) Subject to subsection five of this section, an assignment of moneys payable by the Board in respect of wheat, or wheat and corn sacks, delivered to the Board (not including a registered crop lien) is void as against the Board.

5 (5) Where a person has assigned moneys payable to him by the Board in respect of wheat, or wheat and corn sacks, 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
10 those moneys to the assignee.

16. (1) A person who—

(a) delivers to a licensed receiver wheat harvested before the fifteenth day of September, one thousand nine hundred and sixty-eight; or

Declaration to be furnished as to old season's wheat.

15 (b) delivers to a licensed receiver, after the final delivery day in respect of a season, wheat harvested in that season,

shall make and forward to the licensed receiver a declaration in writing signed by him correctly stating the season during
20 which the wheat was harvested.

(2) For the purposes of this section, the final delivery day in respect of a season is the day declared to be the final delivery day in respect of that season by notice published in the Commonwealth of Australia Gazette under the
25 Commonwealth Act.

17. (1) A member of the police force of the Commonwealth of Australia or of the State who is authorized by the Board or the Chairman of the Board to act under this section may—

Entry of premises, seizure of wheat, &c.

30 (a) at all reasonable times, enter premises and inspect any stock of wheat of any season or of corn sacks, and any accounts, books and documents relating to wheat of any season or to corn sacks; and

(b)

Wheat Industry Stabilization.

5 (b) take possession of and remove any wheat of any season that is the property of the Board, or wheat of a season referred to in section six of this Act the delivery of which has been lawfully demanded by the Board, and any corn sacks in which any such wheat is contained or that are the property of the Board.

(2) A person shall not hinder or obstruct a person in the exercise of powers under this section.

10 (3) Wheat of a season referred to in section six of this Act, other than wheat that is the property of the Board, of which possession is taken under subsection one of this section, and any corn sacks in which the wheat is contained, shall, for the purposes of this Act, but without affecting the
15 liability of a person for an offence, be deemed to be delivered to the Board under this Act.

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

20 (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 of any season, wheaten flour, semolina, corn sacks,
25 jute or jute products as is specified in the notice.

(2) A person shall not, without reasonable excuse—

(a) refuse or fail to comply with a requirement under this section; or

30 (b) furnish to the Board any information that is false or misleading in a particular.

Wheat Industry Stabilization.

19. A person having wheat the property of the Board in his possession or under his care shall exercise proper care and take all proper and reasonable precautions and do all things necessary to preserve and safeguard that wheat and to
5 keep it free from damage or deterioration.

Proper care to be taken of wheat owned by Board.

20. (1) The price at which, on or after the first day of December, one thousand nine hundred and sixty-eight, and before the first day of December, one thousand nine hundred and seventy-three, the Board shall sell wheat for use or con-
10 sumption in Australia is the appropriate price ascertained in accordance with this section.

Home consumption price of wheat.

(2) Subject to this section, the price per bushel in respect of a wholesale sale of bulk wheat of fair average quality free on rails at a port of export is one dollar seventy
15 cents.

(3) The price otherwise applicable under subsection two of this section shall be increased or decreased by the amount, if any, by which the guaranteed price of wheat of the season that was current at the beginning of the year
20 in which the sale was made exceeds, or is less than, one dollar forty-five cents per bushel.

(4) For the purpose of reimbursing the Board for costs of shipment of wheat to the State of Tasmania, the price applicable under subsections two and three of this
25 section shall be increased by an amount of one cent per bushel, or, if the Commonwealth Minister has made a determination or determinations under subsection five of this section, by the amount applicable in accordance with the latest such determination.

(5) If the Board, at any time, reports to the Commonwealth Minister that the amounts being received by the Board by reason of the operation of subsection four of this section, together with amounts being received under corresponding provisions of the Commonwealth Act and of the

laws

Wheat Industry Stabilization.

laws of the other States, are greater or less than the amounts required to meet the costs of shipment of wheat by the Board to the State of Tasmania, the Commonwealth Minister may determine that the amount per bushel to be added to the price in accordance with subsection four of this section shall be reduced or increased to such extent as he considers necessary.

(6) The price in respect of a sale other than a sale specified in subsection two of this section is a price per bushel ascertained by adding to or deducting from the price per bushel applicable to sales so specified an amount that makes a proper allowance for the quality of the wheat, the conditions of sale and the place of delivery.

(7) In this section, "year" means the period of twelve months commencing on the first day of December, one thousand nine hundred and sixty-eight, and each subsequent period of twelve months.

(8) Notwithstanding the repeal of section nineteen of the Wheat Industry Stabilization Act, 1963, as subsequently amended—

- (a) the prices for sales of wheat by the Board that were applicable under that section immediately before the commencement of this Act continue to be applicable to sales made after the commencement of this Act and before the first day of December, one thousand nine hundred and sixty-eight; and
- (b) all moneys received by the Board in respect of such sales by reason of the operation of subsections three and four of that section shall be deemed to be moneys to which subsection one of section twenty-one of this Act applies.

Wheat Industry Stabilization.

21. (1) Notwithstanding any other provision of this Act but subject to this section, the Board shall keep a separate account of the moneys received by the Board by reason of the operation of subsections four and five of section twenty of this Act, and of payments made out of those moneys, and shall not apply those moneys except in accordance with this section.

Special
account for
freight to
the State
of Tasmania

(2) The Board may combine the account required to be kept under subsection one of this section with any similar account or accounts to be kept by it under the Commonwealth Act or under the law of another State or States.

(3) The Board shall use the moneys referred to in subsection one of this section in meeting the costs of shipment of wheat by the Board to the State of Tasmania, and shall not use for that purpose any other moneys derived by it from the sale of wheat delivered to it in pursuance of this Act.

(4) Any moneys referred to in subsection one of this section that remain unexpended after the Board has disposed of the whole of the wheat of the season ending on the thirtieth day of September, one thousand nine hundred and seventy-three, delivered to the Board in Australia shall be applied by the Board for the benefit of the wheat industry in such manner as the Commonwealth Minister, after consultation with the appropriate Minister of each State, directs.

(5) Any moneys that, immediately before the commencement of this Act, were standing to the credit of the account kept by the Board for the purposes of section twenty of the Wheat Industry Stabilization Act, 1963, as subsequently amended, shall be deemed to be moneys to which subsection one of this section applies.

PART

Wheat Industry Stabilization.

PART IV.

MISCELLANEOUS.

22. Subject to the Board's paying or making provision for the payment of amounts required to be paid by it under this Act, nothing in this Act shall be deemed to prevent the Board from applying moneys received by it by reason of the exercise of its functions under this Act for the purposes of the Commonwealth Act or an Act of another State relating to the marketing of wheat.

Use of funds by Board.

23. (1) A person who contravenes, or fails to comply with, any provision of this Act is guilty of an offence against this Act.

Offences.

(2) A person guilty of an offence against this Act is, where no other penalty is provided, liable to a penalty not exceeding two hundred dollars or imprisonment for a term not exceeding six months.

(3) All proceedings for offences against this Act or the regulations shall be disposed of summarily before a court of petty sessions.

24. (1) The Governor may make regulations not inconsistent with this Act prescribing all matters that by this Act are required or permitted to be prescribed, or that are necessary or convenient to be prescribed for carrying out or giving effect to this Act.

Regulations.

(2) The regulations may prescribe penalties not exceeding two hundred dollars or imprisonment for a term not exceeding six months, or both, for offences against the regulations.

(3) The regulations shall—
 (a) be published in the Gazette;

(b)

Wheat Industry Stabilization.

- (b) take effect from the date of publication or from a later date to be specified in the regulations; and
- (c) be laid before both Houses of Parliament within fourteen sitting days after publication if Parliament is then in session, and if not, then within
5 fourteen sitting days after the commencement of the next session.
- (4) If either House of Parliament passes a resolution of which notice has been given at any time within fifteen sitting
10 days after the regulations have been laid before the House disallowing any regulation or part thereof, the regulation or part thereupon ceases to have effect.

BY AUTHORITY:

V. C. N. BLIGHT, GOVERNMENT PRINTER, NEW SOUTH WALES—1968

[20c]

New South Wales



ANNO SEPTIMO DECIMO

ELIZABETHÆ II REGINÆ

Act No. 50, 1968.

An Act to make certain provisions in relation to the marketing of wheat and the stabilization of the wheat industry; to repeal the Wheat Industry Stabilization Act, 1963, as subsequently amended; to amend the Grain Elevators Act, 1954, as subsequently amended; and for purposes connected therewith. [Assented to, 5th December, 1968.]

BE

Wheat Industry Stabilization.

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows :—

PART I.

PRELIMINARY.

Short title. **1.** This Act may be cited as the "Wheat Industry Stabilization Act, 1968".

Commence-
ment. **2.** (1) This Act shall be deemed to have commenced on the twenty-second day of November, one thousand nine hundred and sixty-eight.

(2) An act or omission which occurred before the date on which this Act received the Royal Assent shall not be deemed to be an offence against this Act.

Division
into Parts. **3.** This Act is divided into Parts as follows :—

PART I.—PRELIMINARY—ss. 1-7.

PART II.—POWERS OF THE AUSTRALIAN WHEAT BOARD—ss. 8-10.

PART III.—DELIVERY OF WHEAT TO THE AUSTRALIAN WHEAT BOARD—ss. 11-21.

PART IV.—MISCELLANEOUS—ss. 22-24.

Repeal of
Act No.
60, 1963. **4.** (1) (a) The Wheat Industry Stabilization Act, 1963, is hereby repealed.

Amendment
of Act No.
33, 1965. (b) The Decimal Currency Act, 1965, as subsequently amended, is amended by omitting from the First Schedule the matter relating to Act No. 60, 1963.

(c)

Wheat Industry Stabilization.

(c) The Grain Elevators Act, 1954, as subsequently amended, is amended— Amendment
of Act No.
36, 1954.

- (i) by omitting from section three the definition of “Australian Wheat Board” and by inserting in lieu thereof the following definition :— Sec. 3.
(Definitions.)

“Australian Wheat Board” means the Australian Wheat Board continued in existence by the Wheat Industry Stabilization Act 1968 of the Parliament of the Commonwealth of Australia.

- (ii) by omitting from section twenty-one the figures “1963” and by inserting in lieu thereof the figures “1968”. Sec. 21.
(Board may make charges.)

(2) Notwithstanding the repeal effected by paragraph (a) of subsection one of this section, but subject to subsection three of this section, any provisions of an Act that would, but for that repeal, have continued to apply to, or in relation to, wheat harvested before the first day of October, one thousand nine hundred and sixty-eight, continue so to apply, but this subsection does not prejudice the application to, or in relation to, any such wheat of a provision of this Act that is expressed to apply to, or in relation to, wheat of any season.

(3) Any moneys paid to the Board by the Commonwealth of Australia in respect of losses, in relation to wheat of a season to which the Wheat Industry Stabilization Act, 1963, or that Act as subsequently amended, applied, arising from the devaluation of sterling and other currencies shall be deemed to have been and to be part of the net return from the disposal by the Board of wheat of that season.

(4) A reference in any of the provisions referred to in subsection two of this section to the Australian Wheat Board established or continued in existence by an Act of the Parliament of the Commonwealth of Australia, 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 the Commonwealth Act and conducting its proceedings in accordance with the Commonwealth Act.

(5)

Wheat Industry Stabilization.

(5) Wheat harvested on or after the first day of October, one thousand nine hundred and sixty-eight, and delivered to the Board before the commencement of this Act (including wheat delivered to a licensed receiver within the meaning of the Wheat Industry Stabilization Act, 1963, as subsequently amended) shall be deemed to have been delivered in pursuance of section eleven of this Act, and any advance payment made by the Board in respect of any such wheat before the commencement of this Act shall be deemed to have been made in pursuance of this Act.

Definitions.

5. In this Act, except in so far as the context or subject-matter otherwise indicates or requires—

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

“Commonwealth Act” means the Wheat Industry Stabilization Act 1968 of the Parliament of the Commonwealth of Australia, and includes that Act as amended at any time;

“Commonwealth Minister” means the Minister of State of the Commonwealth of Australia administering the Commonwealth Act, or another Minister of State of the Commonwealth of Australia acting for and on behalf of that Minister;

“Grain Elevators Board” means the Grain Elevators Board constituted under the Grain Elevators Act, 1954, as subsequently amended;

“guaranteed price”, in relation to wheat of a season, has the same meaning as in the Commonwealth Act;

“licensed receiver” means a person, firm, company or State authority licensed by the Board to receive wheat on behalf of the Board;

“season”, in relation to wheat, means the period of twelve months, commencing on the first day of October in any year, during which the wheat was harvested;

“wheat” means wheat of a season referred to in subsection one of section six of this Act.

Wheat Industry Stabilization.

6. (1) Subject to this section, this Act applies in relation to the season that commenced on the first day of October, one thousand nine hundred and sixty-eight, and each of the next six succeeding seasons. Application of Act.

(2) Subsections seven and eight of section fourteen of this Act apply only in relation to the season that commenced on the first day of October, one thousand nine hundred and sixty-eight and the next four succeeding seasons.

7. (1) This Act shall be read and construed subject to the Commonwealth of Australia Constitution Act and so as not to exceed the legislative power of the State, to the intent that where any provision of this Act or the application thereof to any person or circumstance is held invalid, the remainder of this Act and the application of the provision to other persons or circumstances shall not be affected. Act to apply subject to Constitution.

(2) If, by reason of the Commonwealth of Australia Constitution Act, a provision of this Act, or a notice under a provision of this Act, cannot validly apply in relation to any particular wheat or class of wheat, that provision or notice shall be construed as intended to operate in relation to all wheat to which it purports to apply, being wheat in relation to which it can validly apply.

PART II.

POWERS OF THE AUSTRALIAN WHEAT BOARD.

8. (1) The Board may— Powers of Board.
- (a) purchase wheat, wheaten flour, semolina, corn sacks, jute or jute products;
 - (b) accept the delivery of wheat to it;
 - (c) sell or dispose of, or make agreements for the sale or disposal of, wheat, wheaten flour, semolina, corn sacks, jute or jute products;

(d)

Wheat Industry Stabilization.

- (d) grist or arrange for the gristing of wheat, and sell or otherwise dispose of the products of the gristing;
- (e) 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 :

Provided that the exercise of this power shall be subject to the provisions of any Act and the regulations thereunder with respect to the conditions under which wheat is received for storage by the Grain Elevators Board; and

- (f) do all things that the Board is required or permitted by this Act to do or that are conducive 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) The Commonwealth 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.

Indemnity. **9.** A member of the Board is not personally liable for an act of the Board or of the member acting as such.

Licensed receivers. **10.** (1) Subject to this section, the Board may grant a licence in writing, subject to such conditions as are specified in the licence, to a person, firm, company or State authority to receive wheat on behalf of the Board, and may cancel or suspend any such licence.

(2) The Grain Elevators Board is entitled to a licence under this section.

(3)

Wheat Industry Stabilization.

(3) A licence to receive wheat on behalf of the Board that was in force immediately before the commencement of this Act shall be deemed to have been granted under this section.

(4) As from a day to be appointed by the Governor and notified by proclamation published in the Gazette—

- (a) all licences granted or deemed to have been granted under this section (other than the licence granted to the Grain Elevators Board) and in force in the State shall be deemed to be cancelled; and
- (b) all wheat to be delivered to the Board in the State shall be delivered to the Grain Elevators Board as the sole licensed receiver of wheat on behalf of the Board in the State.

(5) The remuneration payable to the Grain Elevators Board as a licensed receiver shall be as agreed between the Minister and the Commonwealth Minister.

PART III.

DELIVERY OF WHEAT TO THE AUSTRALIAN WHEAT BOARD.

11. (1) Subject to this Act, a person who is in possession of wheat may deliver that wheat to the Board. Delivery of wheat.

(2) Subject to this Act, 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

Wheat Industry Stabilization.

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

(3) Upon delivery of wheat to the Board under this section, the wheat (including any corn sacks in which the wheat is contained) becomes the absolute property of the Board, freed from all mortgages, charges, liens, pledges, interests and trusts.

(4) Nothing in this section applies to—

- (a) wheat retained by the grower for use on the farm where it is grown;
- (b) wheat that has been sold by the Board; or
- (c) wheat sold or delivered to a person with the approval of the Board.

(5) A person shall not—

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

Any person guilty of an offence against the provisions of this subsection is liable to a penalty not exceeding thrice the value of the wheat in respect of which the offence is committed, calculated at the guaranteed price for wheat of the season that is current at the time of the offence, or imprisonment for a term not exceeding six months, or both.

Where there is no such guaranteed price for the wheat in respect of which the offence was committed, the person guilty of the offence shall be liable to a penalty not exceeding five dollars per bushel of the wheat, or imprisonment for a term not exceeding six months, or both.

Wheat Industry Stabilization.

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

(2) Nothing in this Act affects the operation of a scheme of apportionment of storage space under section 12A of the Grain Elevators Act, 1954, as subsequently amended.

(3) A person who delivers wheat to a licensed receiver shall, at the same time, furnish to the licensed receiver in writing the names and addresses of all persons known by him to have or to claim an interest in the wheat, in any corn sacks in which the wheat is contained or in the payment to be made for the wheat or corn sacks, and all particulars known to him of those interests.

13. (1) Except as provided in sections eleven and twelve of this Act, or with the consent in writing of the Board, a person shall not— Un-authorized dealings with wheat.

- (a) sell, deliver or part with the possession of, or take into his possession, wheat of any season other than wheat specified in paragraph (b) or (c) of subsection four of section eleven of this Act;
- (b) part with the possession of, or take into his possession, wheat of any season that is the property of the Board; or
- (c) purport to sell or offer for sale, or purport to purchase or offer to purchase (otherwise than from the Board), wheat of any season that is the property of the Board.

Any person guilty of an offence against the provisions of this subsection is liable to a penalty not exceeding thrice the value of the wheat in respect of which the offence is committed, calculated at the guaranteed price for wheat of the season that is current at the time of the offence, or imprisonment for a term not exceeding six months, or both.

Where

Wheat Industry Stabilization.

Where there is no such guaranteed price for the wheat in respect of which the offence was committed, the person guilty of the offence shall be liable to a penalty not exceeding five dollars per bushel of the wheat, or imprisonment for a term not exceeding six months, or both.

(2) For the purposes of this section, a person shall not be taken to part with the possession of wheat by reason only of the fact that he uses the wheat on the farm where it was grown.

Price to
be paid
for wheat.

14. (1) Where wheat is delivered to the Board in pursuance of this Act, the Board shall pay for that wheat (including the corn sacks, if any, in which the wheat is delivered) an amount determined by the Board in accordance with this section.

(2) The Board shall determine amounts payable under subsection one of this section in respect of wheat of a season by—

- (a) ascertaining the net proceeds of the disposal by the Board of all wheat of that season delivered to the Board in Australia (whether in pursuance of this Act or otherwise);
- (b) deducting from the amount so ascertained an amount determined by the Board having regard to the extent to which freight charges in respect of the export of wheat of that season from the State of Western Australia are lower than freight charges in respect of the export of wheat for that season from other places in Australia, but not exceeding an amount calculated at the rate of two and one-half cents per bushel in respect of the wheat of that season exported from the State of Western Australia; and
- (c) ascertaining the share in the remaining amount of each person entitled to payment under this section by apportioning that remaining amount amongst the persons who delivered wheat of that season to the Board in Australia (whether in pursuance of
this

Wheat Industry Stabilization.

this Act or otherwise) on the basis of the number of bushels of wheat so delivered by each such person, with proper allowance for differences in the quality of wheat and for transport charges for the carriage of wheat to the terminal port from the place at which the wheat was delivered to the Board, corn sacks in which wheat was supplied to the Board, additional costs incurred by the Board in the handling and storage of wheat delivered to the Board in corn sacks and other necessary adjustments in particular cases.

(3) For the purposes of this section, the Board is not bound to preserve the identity of wheat of a season, and may keep its accounts in respect of sales in such manner as will, in its judgment, attribute sales to wheat of different seasons in an equitable manner.

(4) The Board is not bound to make a final payment in respect of wheat of a season until it has disposed of the whole of the wheat of that season delivered to it in Australia (whether in pursuance of this Act or otherwise), but the Board may, with the approval of the Commonwealth Minister, make from time to time such advance payments as it considers justified.

(5) Subject to this section, 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 the wheat (including corn sacks in which the wheat was sold) after paying—

- (a) any charge imposed by the Wheat Export Charge Act 1968 of the Parliament of the Commonwealth of Australia in relation to wheat of that season; and
- (b) costs (including interest and costs of administration, storage and transport, other than transport to the terminal port from the place at which the wheat is delivered to the Board) 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.

(6)

Wheat Industry Stabilization.

(6) 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) there shall be taken into account such of the payments made or received by the Board in accordance with subsection two of section thirteen of the Commonwealth Act as the Board considers may equitably be related to wheat of that season; and
- (c) no account shall be taken of moneys to which section twenty-one of this Act, or a corresponding provision of the Commonwealth Act or of an Act of another State, applies or of costs of the Board payable out of those moneys.

(7) Where the average price per bushel contracted to be paid to the Board for wheat of a season in relation to which this subsection applies exported by the Board, or sold by the Board for export, is less than the guaranteed price, the net proceeds from the disposal of wheat of that season by the Board shall, for the purposes of this section, be deemed to be increased by the amount that becomes payable to the Board in respect of that season under the Commonwealth Act out of the Wheat Prices Stabilization Fund referred to in that Act.

(8) In ascertaining the average price for the purposes of subsection seven of this section—

- (a) a price contracted to be paid, in any currency, in respect of a sale other than a sale of fair average quality bulk wheat free on board at the port of export shall be deemed to be the price that would have been the corresponding price, in that currency, for a sale of the same quantity of fair average quality bulk wheat free on board at the port of export; and

(b)

Wheat Industry Stabilization.

- (b) where the price contracted to be paid to the Board for any wheat or, where paragraph (a) of this subsection is applicable, the price that is, by virtue of that paragraph, to be deemed to be the price contracted to be paid to the Board for any wheat, is expressed in a currency other than Australian currency, that price shall be converted to its equivalent in Australian currency according to the appropriate rate of exchange applicable at the date of the contract or, where the price contracted to be paid was not, at the date of the contract, an ascertained amount, at the date on which the amount of the price became ascertained.
- (9) The obligation of the Board under this section in respect of any wheat is subject to the operation of section eight of the Wheat Tax Act 1957-1966 of the Parliament of the Commonwealth of Australia.

15. (1) The amount payable under this Act in respect of any wheat, or wheat and corn sacks, is payable to the person who would have been entitled to receive the price of the wheat if the wheat had been lawfully sold to the Board at the time of the delivery of the wheat. ^{Payment by Board.}

(2) The same rights (if any) exist against the person receiving an amount paid by the Board under this Act in respect of wheat, or wheat and corn sacks, as would exist if the moneys so paid were the proceeds of a sale or purported sale of the wheat, or wheat and corn sacks, 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)

Wheat Industry Stabilization.

(4) Subject to subsection five of this section, an assignment of moneys payable by the Board in respect of wheat, or wheat and corn sacks, 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, or wheat and corn sacks, 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.

16. (1) A person who—

- (a) delivers to a licensed receiver wheat harvested before the fifteenth day of September, one thousand nine hundred and sixty-eight; or
- (b) delivers to a licensed receiver, after the final delivery day in respect of a season, wheat harvested in that season,

shall make and forward to the licensed receiver a declaration in writing signed by him correctly stating the season during which the wheat was harvested.

(2) For the purposes of this section, the final delivery day in respect of a season is the day declared to be the final delivery day in respect of that season by notice published in the Commonwealth of Australia Gazette under the Commonwealth Act.

Entry of
premises,
seizure
of wheat,
&c.

17. (1) A member of the police force of the Commonwealth of Australia or of the State who is authorized by the Board or the Chairman of the Board to act under this section may—

- (a) at all reasonable times, enter premises and inspect any stock of wheat of any season or of corn sacks, and any accounts, books and documents relating to wheat of any season or to corn sacks; and

(b)

Wheat Industry Stabilization.

- (b) take possession of and remove any wheat of any season that is the property of the Board, or wheat of a season referred to in section six of this Act the delivery of which has been lawfully demanded by the Board, and any corn sacks in which any such wheat is contained or that are the property of the Board.

(2) A person shall not hinder or obstruct a person in the exercise of powers under this section.

(3) Wheat of a season referred to in section six of this Act, other than wheat that is the property of the Board, of which possession is taken under subsection one of this section, and any corn sacks in which the wheat is contained, shall, for the purposes of this Act, but without affecting the liability of a person for an offence, be deemed to be delivered to the Board under this Act.

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

(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 of any season, wheaten flour, semolina, corn sacks, jute or jute products as is specified in the notice.

(2) A person shall not, without reasonable excuse—

(a) refuse or fail to comply with a requirement under this section; or

(b) furnish to the Board any information that is false or misleading in a particular.

19.

Wheat Industry Stabilization.

Proper care to be taken of wheat owned by Board.

19. A person having wheat the property of the Board in his possession or under his care 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.

Home consumption price of wheat.

20. (1) The price at which, on or after the first day of December, one thousand nine hundred and sixty-eight, and before the first day of December, one thousand nine hundred and seventy-three, the Board shall sell wheat for use or consumption in Australia is the appropriate price ascertained in accordance with this section.

(2) Subject to this section, the price per bushel in respect of a wholesale sale of bulk wheat of fair average quality free on rails at a port of export is one dollar seventy cents.

(3) The price otherwise applicable under subsection two of this section shall be increased or decreased by the amount, if any, by which the guaranteed price of wheat of the season that was current at the beginning of the year in which the sale was made exceeds, or is less than, one dollar forty-five cents per bushel.

(4) For the purpose of reimbursing the Board for costs of shipment of wheat to the State of Tasmania, the price applicable under subsections two and three of this section shall be increased by an amount of one cent per bushel, or, if the Commonwealth Minister has made a determination or determinations under subsection five of this section, by the amount applicable in accordance with the latest such determination.

(5) If the Board, at any time, reports to the Commonwealth Minister that the amounts being received by the Board by reason of the operation of subsection four of this section, together with amounts being received under corresponding provisions of the Commonwealth Act and of the

laws

Wheat Industry Stabilization.

laws of the other States, are greater or less than the amounts required to meet the costs of shipment of wheat by the Board to the State of Tasmania, the Commonwealth Minister may determine that the amount per bushel to be added to the price in accordance with subsection four of this section shall be reduced or increased to such extent as he considers necessary.

(6) The price in respect of a sale other than a sale specified in subsection two of this section is a price per bushel ascertained by adding to or deducting from the price per bushel applicable to sales so specified an amount that makes a proper allowance for the quality of the wheat, the conditions of sale and the place of delivery.

(7) In this section, "year" means the period of twelve months commencing on the first day of December, one thousand nine hundred and sixty-eight, and each subsequent period of twelve months.

(8) Notwithstanding the repeal of section nineteen of the Wheat Industry Stabilization Act, 1963, as subsequently amended—

- (a) the prices for sales of wheat by the Board that were applicable under that section immediately before the commencement of this Act continue to be applicable to sales made after the commencement of this Act and before the first day of December, one thousand nine hundred and sixty-eight; and
- (b) all moneys received by the Board in respect of such sales by reason of the operation of subsections three and four of that section shall be deemed to be moneys to which subsection one of section twenty-one of this Act applies.

Wheat Industry Stabilization.

Special
account for
freight to
the State
of Tasmania

21. (1) Notwithstanding any other provision of this Act but subject to this section, the Board shall keep a separate account of the moneys received by the Board by reason of the operation of subsections four and five of section twenty of this Act, 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 subsection one of this section with any similar account or accounts to be kept by it under the Commonwealth Act or under the law of another State or States.

(3) The Board shall use the moneys referred to in subsection one of this section in meeting the costs of shipment of wheat by the Board to the State of Tasmania, and shall not use for that purpose any other moneys derived by it from the sale of wheat delivered to it in pursuance of this Act.

(4) Any moneys referred to in subsection one of this section that remain unexpended after the Board has disposed of the whole of the wheat of the season ending on the thirtieth day of September, one thousand nine hundred and seventy-three, delivered to the Board in Australia shall be applied by the Board for the benefit of the wheat industry in such manner as the Commonwealth Minister, after consultation with the appropriate Minister of each State, directs.

(5) Any moneys that, immediately before the commencement of this Act, were standing to the credit of the account kept by the Board for the purposes of section twenty of the Wheat Industry Stabilization Act, 1963, as subsequently amended, shall be deemed to be moneys to which subsection one of this section applies.

Wheat Industry Stabilization.

PART IV.

MISCELLANEOUS.

22. Subject to the Board's paying or making provision for the payment of amounts required to be paid by it under this Act, nothing in this Act shall be deemed to prevent the Board from applying moneys received by it by reason of the exercise of its functions under this Act for the purposes of the Commonwealth Act or an Act of another State relating to the marketing of wheat. Use of funds by Board.

23. (1) A person who contravenes, or fails to comply with, any provision of this Act is guilty of an offence against this Act. Offences.

(2) A person guilty of an offence against this Act is, where no other penalty is provided, liable to a penalty not exceeding two hundred dollars or imprisonment for a term not exceeding six months.

(3) All proceedings for offences against this Act or the regulations shall be disposed of summarily before a court of petty sessions.

24. (1) The Governor may make regulations not inconsistent with this Act prescribing all matters that by this Act are required or permitted to be prescribed, or that are necessary or convenient to be prescribed for carrying out or giving effect to this Act. Regulations.

(2) The regulations may prescribe penalties not exceeding two hundred dollars or imprisonment for a term not exceeding six months, or both, for offences against the regulations.

(3) The regulations shall—

(a) be published in the Gazette;

(b)

Wheat Industry Stabilization.

- (b) take effect from the date of publication or from a later date to be specified in the regulations; and
- (c) be laid before both Houses of Parliament within fourteen sitting days after publication if Parliament is then in session, and if not, then within fourteen sitting days after the commencement of the next session.

(4) If either House of Parliament passes a resolution of which notice has been given at any time within fifteen sitting days after the regulations have been laid before the House disallowing any regulation or part thereof, the regulation or part thereupon ceases to have effect.

BY AUTHORITY:

V. C. N. BLIGHT, GOVERNMENT PRINTER, NEW SOUTH WALES—1968

I certify that this PUBLIC BILL, which originated in the LEGISLATIVE ASSEMBLY, has finally passed the LEGISLATIVE COUNCIL and the LEGISLATIVE ASSEMBLY of NEW SOUTH WALES.

I. P. K. VIDLER,
Clerk of the Legislative Assembly.

*Legislative Assembly Chamber,
Sydney, 27 November, 1968.*

New South Wales



ANNO SEPTIMO DECIMO

ELIZABETHÆ II REGINÆ

Act No. 50, 1968.

An Act to make certain provisions in relation to the marketing of wheat and the stabilization of the wheat industry; to repeal the Wheat Industry Stabilization Act, 1963, as subsequently amended; to amend the Grain Elevators Act, 1954, as subsequently amended; and for purposes connected therewith. [Assented to, 5th December, 1968.]

BE

I have examined this Bill, and find it to correspond in all respects with the Bill as finally passed by both Houses.

L. A. PUNCH,
Chairman of Committees of the Legislative Assembly.

Wheat Industry Stabilization.

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows :—

PART I.

PRELIMINARY.

Short title. **1.** This Act may be cited as the "Wheat Industry Stabilization Act, 1968".

Commence-
ment. **2.** (1) This Act shall be deemed to have commenced on the twenty-second day of November, one thousand nine hundred and sixty-eight.

(2) An act or omission which occurred before the date on which this Act received the Royal Assent shall not be deemed to be an offence against this Act.

Division
into Parts.

3. This Act is divided into Parts as follows :—

PART I.—PRELIMINARY—*ss.* 1-7.

PART II.—POWERS OF THE AUSTRALIAN WHEAT BOARD—*ss.* 8-10.

PART III.—DELIVERY OF WHEAT TO THE AUSTRALIAN WHEAT BOARD—*ss.* 11-21.

PART IV.—MISCELLANEOUS—*ss.* 22-24.

Repeal of
Act No.
60, 1963.

4. (1) (a) The Wheat Industry Stabilization Act, 1963, is hereby repealed.

Amendment
of Act No.
33, 1965.

(b) The Decimal Currency Act, 1965, as subsequently amended, is amended by omitting from the First Schedule the matter relating to Act No. 60, 1963.

(c)

Wheat Industry Stabilization.

(c) The Grain Elevators Act, 1954, as subsequently amended, is amended—

Amendment
of Act No.
36, 1954.

- (i) by omitting from section three the definition of “Australian Wheat Board” and by inserting in lieu thereof the following definition :—

Sec. 3.
(Defini-
tions.)

“Australian Wheat Board” means the Australian Wheat Board continued in existence by the Wheat Industry Stabilization Act 1968 of the Parliament of the Commonwealth of Australia.

- (ii) by omitting from section twenty-one the figures “1963” and by inserting in lieu thereof the figures “1968”.

Sec. 21.
(Board
may make
charges.)

(2) Notwithstanding the repeal effected by paragraph (a) of subsection one of this section, but subject to subsection three of this section, any provisions of an Act that would, but for that repeal, have continued to apply to, or in relation to, wheat harvested before the first day of October, one thousand nine hundred and sixty-eight, continue so to apply, but this subsection does not prejudice the application to, or in relation to, any such wheat of a provision of this Act that is expressed to apply to, or in relation to, wheat of any season.

(3) Any moneys paid to the Board by the Commonwealth of Australia in respect of losses, in relation to wheat of a season to which the Wheat Industry Stabilization Act, 1963, or that Act as subsequently amended, applied, arising from the devaluation of sterling and other currencies shall be deemed to have been and to be part of the net return from the disposal by the Board of wheat of that season.

(4) A reference in any of the provisions referred to in subsection two of this section to the Australian Wheat Board established or continued in existence by an Act of the Parliament of the Commonwealth of Australia, 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 the Commonwealth Act and conducting its proceedings in accordance with the Commonwealth Act.

(5)

Wheat Industry Stabilization.

(5) Wheat harvested on or after the first day of October, one thousand nine hundred and sixty-eight, and delivered to the Board before the commencement of this Act (including wheat delivered to a licensed receiver within the meaning of the Wheat Industry Stabilization Act, 1963, as subsequently amended) shall be deemed to have been delivered in pursuance of section eleven of this Act, and any advance payment made by the Board in respect of any such wheat before the commencement of this Act shall be deemed to have been made in pursuance of this Act.

Definitions. **5.** In this Act, except in so far as the context or subject-matter otherwise indicates or requires—

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

“Commonwealth Act” means the Wheat Industry Stabilization Act 1968 of the Parliament of the Commonwealth of Australia, and includes that Act as amended at any time;

“Commonwealth Minister” means the Minister of State of the Commonwealth of Australia administering the Commonwealth Act, or another Minister of State of the Commonwealth of Australia acting for and on behalf of that Minister;

“Grain Elevators Board” means the Grain Elevators Board constituted under the Grain Elevators Act, 1954, as subsequently amended;

“guaranteed price”, in relation to wheat of a season, has the same meaning as in the Commonwealth Act;

“licensed receiver” means a person, firm, company or State authority licensed by the Board to receive wheat on behalf of the Board;

“season”, in relation to wheat, means the period of twelve months, commencing on the first day of October in any year, during which the wheat was harvested;

“wheat” means wheat of a season referred to in subsection one of section six of this Act.

Wheat Industry Stabilization.

6. (1) Subject to this section, this Act applies in relation to the season that commenced on the first day of October, one thousand nine hundred and sixty-eight, and each of the next six succeeding seasons. Application
of Act.

(2) Subsections seven and eight of section fourteen of this Act apply only in relation to the season that commenced on the first day of October, one thousand nine hundred and sixty-eight and the next four succeeding seasons.

7. (1) This Act shall be read and construed subject to the Commonwealth of Australia Constitution Act and so as not to exceed the legislative power of the State, to the intent that where any provision of this Act or the application thereof to any person or circumstance is held invalid, the remainder of this Act and the application of the provision to other persons or circumstances shall not be affected. Act to
apply sub-
ject to
Constitution.

(2) If, by reason of the Commonwealth of Australia Constitution Act, a provision of this Act, or a notice under a provision of this Act, cannot validly apply in relation to any particular wheat or class of wheat, that provision or notice shall be construed as intended to operate in relation to all wheat to which it purports to apply, being wheat in relation to which it can validly apply.

PART II.

POWERS OF THE AUSTRALIAN WHEAT BOARD.

8. (1) The Board may—
- (a) purchase wheat, wheaten flour, semolina, corn sacks, jute or jute products;
 - (b) accept the delivery of wheat to it;
 - (c) sell or dispose of, or make agreements for the sale or disposal of, wheat, wheaten flour, semolina, corn sacks, jute or jute products;

Powers of
Board.

(d)

Wheat Industry Stabilization.

- (d) grist or arrange for the gristing of wheat, and sell or otherwise dispose of the products of the gristing;
- (e) 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 :

Provided that the exercise of this power shall be subject to the provisions of any Act and the regulations thereunder with respect to the conditions under which wheat is received for storage by the Grain Elevators Board; and

- (f) do all things that the Board is required or permitted by this Act to do or that are conducive 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) The Commonwealth 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.

Indemnity. **9.** A member of the Board is not personally liable for an act of the Board or of the member acting as such.

Licensed receivers. **10.** (1) Subject to this section, the Board may grant a licence in writing, subject to such conditions as are specified in the licence, to a person, firm, company or State authority to receive wheat on behalf of the Board, and may cancel or suspend any such licence.

(2) The Grain Elevators Board is entitled to a licence under this section.

(3)

Wheat Industry Stabilization.

(3) A licence to receive wheat on behalf of the Board that was in force immediately before the commencement of this Act shall be deemed to have been granted under this section.

(4) As from a day to be appointed by the Governor and notified by proclamation published in the Gazette—

(a) all licences granted or deemed to have been granted under this section (other than the licence granted to the Grain Elevators Board) and in force in the State shall be deemed to be cancelled; and

(b) all wheat to be delivered to the Board in the State shall be delivered to the Grain Elevators Board as the sole licensed receiver of wheat on behalf of the Board in the State.

(5) The remuneration payable to the Grain Elevators Board as a licensed receiver shall be as agreed between the Minister and the Commonwealth Minister.

PART III.

DELIVERY OF WHEAT TO THE AUSTRALIAN WHEAT BOARD.

11. (1) Subject to this Act, a person who is in possession of wheat may deliver that wheat to the Board. **Delivery of wheat.**

(2) Subject to this Act, 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

Wheat Industry Stabilization.

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

(3) Upon delivery of wheat to the Board under this section, the wheat (including any corn sacks in which the wheat is contained) becomes the absolute property of the Board, freed from all mortgages, charges, liens, pledges, interests and trusts.

(4) Nothing in this section applies to—

- (a) wheat retained by the grower for use on the farm where it is grown;
- (b) wheat that has been sold by the Board; or
- (c) wheat sold or delivered to a person with the approval of the Board.

(5) A person shall not—

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

Any person guilty of an offence against the provisions of this subsection is liable to a penalty not exceeding thrice the value of the wheat in respect of which the offence is committed, calculated at the guaranteed price for wheat of the season that is current at the time of the offence, or imprisonment for a term not exceeding six months, or both.

Where there is no such guaranteed price for the wheat in respect of which the offence was committed, the person guilty of the offence shall be liable to a penalty not exceeding five dollars per bushel of the wheat, or imprisonment for a term not exceeding six months, or both.

Wheat Industry Stabilization.

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

(2) Nothing in this Act affects the operation of a scheme of apportionment of storage space under section 12A of the Grain Elevators Act, 1954, as subsequently amended.

(3) A person who delivers wheat to a licensed receiver shall, at the same time, furnish to the licensed receiver in writing the names and addresses of all persons known by him to have or to claim an interest in the wheat, in any corn sacks in which the wheat is contained or in the payment to be made for the wheat or corn sacks, and all particulars known to him of those interests.

13. (1) Except as provided in sections eleven and twelve of this Act, or with the consent in writing of the Board, a person shall not— Un-authorized dealings with wheat.

- (a) sell, deliver or part with the possession of, or take into his possession, wheat of any season other than wheat specified in paragraph (b) or (c) of subsection four of section eleven of this Act;
- (b) part with the possession of, or take into his possession, wheat of any season that is the property of the Board; or
- (c) purport to sell or offer for sale, or purport to purchase or offer to purchase (otherwise than from the Board), wheat of any season that is the property of the Board.

Any person guilty of an offence against the provisions of this subsection is liable to a penalty not exceeding thrice the value of the wheat in respect of which the offence is committed, calculated at the guaranteed price for wheat of the season that is current at the time of the offence, or imprisonment for a term not exceeding six months, or both.

Where

Wheat Industry Stabilization.

Where there is no such guaranteed price for the wheat in respect of which the offence was committed, the person guilty of the offence shall be liable to a penalty not exceeding five dollars per bushel of the wheat, or imprisonment for a term not exceeding six months, or both.

(2) For the purposes of this section, a person shall not be taken to part with the possession of wheat by reason only of the fact that he uses the wheat on the farm where it was grown.

Price to
be paid
for wheat.

14. (1) Where wheat is delivered to the Board in pursuance of this Act, the Board shall pay for that wheat (including the corn sacks, if any, in which the wheat is delivered) an amount determined by the Board in accordance with this section.

(2) The Board shall determine amounts payable under subsection one of this section in respect of wheat of a season by—

- (a) ascertaining the net proceeds of the disposal by the Board of all wheat of that season delivered to the Board in Australia (whether in pursuance of this Act or otherwise);
- (b) deducting from the amount so ascertained an amount determined by the Board having regard to the extent to which freight charges in respect of the export of wheat of that season from the State of Western Australia are lower than freight charges in respect of the export of wheat for that season from other places in Australia, but not exceeding an amount calculated at the rate of two and one-half cents per bushel in respect of the wheat of that season exported from the State of Western Australia; and
- (c) ascertaining the share in the remaining amount of each person entitled to payment under this section by apportioning that remaining amount amongst the persons who delivered wheat of that season to the Board in Australia (whether in pursuance of this

Wheat Industry Stabilization.

this Act or otherwise) on the basis of the number of bushels of wheat so delivered by each such person, with proper allowance for differences in the quality of wheat and for transport charges for the carriage of wheat to the terminal port from the place at which the wheat was delivered to the Board, corn sacks in which wheat was supplied to the Board, additional costs incurred by the Board in the handling and storage of wheat delivered to the Board in corn sacks and other necessary adjustments in particular cases.

(3) For the purposes of this section, the Board is not bound to preserve the identity of wheat of a season, and may keep its accounts in respect of sales in such manner as will, in its judgment, attribute sales to wheat of different seasons in an equitable manner.

(4) The Board is not bound to make a final payment in respect of wheat of a season until it has disposed of the whole of the wheat of that season delivered to it in Australia (whether in pursuance of this Act or otherwise), but the Board may, with the approval of the Commonwealth Minister, make from time to time such advance payments as it considers justified.

(5) Subject to this section, 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 the wheat (including corn sacks in which the wheat was sold) after paying—

- (a) any charge imposed by the Wheat Export Charge Act 1968 of the Parliament of the Commonwealth of Australia in relation to wheat of that season; and
- (b) costs (including interest and costs of administration, storage and transport, other than transport to the terminal port from the place at which the wheat is delivered to the Board) 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.

(6)

Wheat Industry Stabilization.

(6) 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) there shall be taken into account such of the payments made or received by the Board in accordance with subsection two of section thirteen of the Commonwealth Act as the Board considers may equitably be related to wheat of that season; and
- (c) no account shall be taken of moneys to which section twenty-one of this Act, or a corresponding provision of the Commonwealth Act or of an Act of another State, applies or of costs of the Board payable out of those moneys.

(7) Where the average price per bushel contracted to be paid to the Board for wheat of a season in relation to which this subsection applies exported by the Board, or sold by the Board for export, is less than the guaranteed price, the net proceeds from the disposal of wheat of that season by the Board shall, for the purposes of this section, be deemed to be increased by the amount that becomes payable to the Board in respect of that season under the Commonwealth Act out of the Wheat Prices Stabilization Fund referred to in that Act.

(8) In ascertaining the average price for the purposes of subsection seven of this section—

- (a) a price contracted to be paid, in any currency, in respect of a sale other than a sale of fair average quality bulk wheat free on board at the port of export shall be deemed to be the price that would have been the corresponding price, in that currency, for a sale of the same quantity of fair average quality bulk wheat free on board at the port of export; and

(b)

Wheat Industry Stabilization.

(b) where the price contracted to be paid to the Board for any wheat or, where paragraph (a) of this subsection is applicable, the price that is, by virtue of that paragraph, to be deemed to be the price contracted to be paid to the Board for any wheat, is expressed in a currency other than Australian currency, that price shall be converted to its equivalent in Australian currency according to the appropriate rate of exchange applicable at the date of the contract or, where the price contracted to be paid was not, at the date of the contract, an ascertained amount, at the date on which the amount of the price became ascertained.

(9) The obligation of the Board under this section in respect of any wheat is subject to the operation of section eight of the Wheat Tax Act 1957-1966 of the Parliament of the Commonwealth of Australia.

15. (1) The amount payable under this Act in respect of any wheat, or wheat and corn sacks, is payable to the person who would have been entitled to receive the price of the wheat if the wheat had been lawfully sold to the Board at the time of the delivery of the wheat. ^{Payment by Board.}

(2) The same rights (if any) exist against the person receiving an amount paid by the Board under this Act in respect of wheat, or wheat and corn sacks, as would exist if the moneys so paid were the proceeds of a sale or purported sale of the wheat, or wheat and corn sacks, 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)

Wheat Industry Stabilization.

(4) Subject to subsection five of this section, an assignment of moneys payable by the Board in respect of wheat, or wheat and corn sacks, 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, or wheat and corn sacks, 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.

16. (1) A person who—

- (a) delivers to a licensed receiver wheat harvested before the fifteenth day of September, one thousand nine hundred and sixty-eight; or
- (b) delivers to a licensed receiver, after the final delivery day in respect of a season, wheat harvested in that season,

shall make and forward to the licensed receiver a declaration in writing signed by him correctly stating the season during which the wheat was harvested.

(2) For the purposes of this section, the final delivery day in respect of a season is the day declared to be the final delivery day in respect of that season by notice published in the Commonwealth of Australia Gazette under the Commonwealth Act.

Entry of
premises,
seizure
of wheat,
&c.

17. (1) A member of the police force of the Commonwealth of Australia or of the State who is authorized by the Board or the Chairman of the Board to act under this section may—

- (a) at all reasonable times, enter premises and inspect any stock of wheat of any season or of corn sacks, and any accounts, books and documents relating to wheat of any season or to corn sacks; and

(b)

Wheat Industry Stabilization.

(b) take possession of and remove any wheat of any season that is the property of the Board, or wheat of a season referred to in section six of this Act the delivery of which has been lawfully demanded by the Board, and any corn sacks in which any such wheat is contained or that are the property of the Board.

(2) A person shall not hinder or obstruct a person in the exercise of powers under this section.

(3) Wheat of a season referred to in section six of this Act, other than wheat that is the property of the Board, of which possession is taken under subsection one of this section, and any corn sacks in which the wheat is contained, shall, for the purposes of this Act, but without affecting the liability of a person for an offence, be deemed to be delivered to the Board under this Act.

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

Board may
require
returns.

(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 of any season, wheaten flour, semolina, corn sacks, jute or jute products as is specified in the notice.

(2) A person shall not, without reasonable excuse—

(a) refuse or fail to comply with a requirement under this section; or
(b) furnish to the Board any information that is false or misleading in a particular.

19.

Wheat Industry Stabilization.

Proper care to be taken of wheat owned by Board.

19. A person having wheat the property of the Board in his possession or under his care 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.

Home consumption price of wheat.

20. (1) The price at which, on or after the first day of December, one thousand nine hundred and sixty-eight, and before the first day of December, one thousand nine hundred and seventy-three, the Board shall sell wheat for use or consumption in Australia is the appropriate price ascertained in accordance with this section.

(2) Subject to this section, the price per bushel in respect of a wholesale sale of bulk wheat of fair average quality free on rails at a port of export is one dollar seventy cents.

(3) The price otherwise applicable under subsection two of this section shall be increased or decreased by the amount, if any, by which the guaranteed price of wheat of the season that was current at the beginning of the year in which the sale was made exceeds, or is less than, one dollar forty-five cents per bushel.

(4) For the purpose of reimbursing the Board for costs of shipment of wheat to the State of Tasmania, the price applicable under subsections two and three of this section shall be increased by an amount of one cent per bushel, or, if the Commonwealth Minister has made a determination or determinations under subsection five of this section, by the amount applicable in accordance with the latest such determination.

(5) If the Board, at any time, reports to the Commonwealth Minister that the amounts being received by the Board by reason of the operation of subsection four of this section, together with amounts being received under corresponding provisions of the Commonwealth Act and of the

laws

Wheat Industry Stabilization.

laws of the other States, are greater or less than the amounts required to meet the costs of shipment of wheat by the Board to the State of Tasmania, the Commonwealth Minister may determine that the amount per bushel to be added to the price in accordance with subsection four of this section shall be reduced or increased to such extent as he considers necessary.

(6) The price in respect of a sale other than a sale specified in subsection two of this section is a price per bushel ascertained by adding to or deducting from the price per bushel applicable to sales so specified an amount that makes a proper allowance for the quality of the wheat, the conditions of sale and the place of delivery.

(7) In this section, "year" means the period of twelve months commencing on the first day of December, one thousand nine hundred and sixty-eight, and each subsequent period of twelve months.

(8) Notwithstanding the repeal of section nineteen of the Wheat Industry Stabilization Act, 1963, as subsequently amended—

- (a) the prices for sales of wheat by the Board that were applicable under that section immediately before the commencement of this Act continue to be applicable to sales made after the commencement of this Act and before the first day of December, one thousand nine hundred and sixty-eight; and
- (b) all moneys received by the Board in respect of such sales by reason of the operation of subsections three and four of that section shall be deemed to be moneys to which subsection one of section twenty-one of this Act applies.

Wheat Industry Stabilization.

Special
account for
freight to
the State
of Tasmania

21. (1) Notwithstanding any other provision of this Act but subject to this section, the Board shall keep a separate account of the moneys received by the Board by reason of the operation of subsections four and five of section twenty of this Act, 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 subsection one of this section with any similar account or accounts to be kept by it under the Commonwealth Act or under the law of another State or States.

(3) The Board shall use the moneys referred to in subsection one of this section in meeting the costs of shipment of wheat by the Board to the State of Tasmania, and shall not use for that purpose any other moneys derived by it from the sale of wheat delivered to it in pursuance of this Act.

(4) Any moneys referred to in subsection one of this section that remain unexpended after the Board has disposed of the whole of the wheat of the season ending on the thirtieth day of September, one thousand nine hundred and seventy-three, delivered to the Board in Australia shall be applied by the Board for the benefit of the wheat industry in such manner as the Commonwealth Minister, after consultation with the appropriate Minister of each State, directs.

(5) Any moneys that, immediately before the commencement of this Act, were standing to the credit of the account kept by the Board for the purposes of section twenty of the Wheat Industry Stabilization Act, 1963, as subsequently amended, shall be deemed to be moneys to which subsection one of this section applies.

PART

Wheat Industry Stabilization.

PART IV.

MISCELLANEOUS.

22. Subject to the Board's paying or making provision for the payment of amounts required to be paid by it under this Act, nothing in this Act shall be deemed to prevent the Board from applying moneys received by it by reason of the exercise of its functions under this Act for the purposes of the Commonwealth Act or an Act of another State relating to the marketing of wheat. Use of funds by Board.

23. (1) A person who contravenes, or fails to comply with, any provision of this Act is guilty of an offence against this Act. Offences.

(2) A person guilty of an offence against this Act is, where no other penalty is provided, liable to a penalty not exceeding two hundred dollars or imprisonment for a term not exceeding six months.

(3) All proceedings for offences against this Act or the regulations shall be disposed of summarily before a court of petty sessions.

24. (1) The Governor may make regulations not inconsistent with this Act prescribing all matters that by this Act are required or permitted to be prescribed, or that are necessary or convenient to be prescribed for carrying out or giving effect to this Act. Regulations.

(2) The regulations may prescribe penalties not exceeding two hundred dollars or imprisonment for a term not exceeding six months, or both, for offences against the regulations.

(3) The regulations shall—

(a) be published in the Gazette;

(b)

Wheat Industry Stabilization.

- (b) take effect from the date of publication or from a later date to be specified in the regulations; and
- (c) be laid before both Houses of Parliament within fourteen sitting days after publication if Parliament is then in session, and if not, then within fourteen sitting days after the commencement of the next session.

(4) If either House of Parliament passes a resolution of which notice has been given at any time within fifteen sitting days after the regulations have been laid before the House disallowing any regulation or part thereof, the regulation or part thereupon ceases to have effect.

In the name and on behalf of Her Majesty I assent to this Act.

A. R. CUTLER,
Governor.

*Government House,
Sydney, 5th December, 1968.*