

**WHEAT MARKETING (AMENDMENT) BILL, 1984**

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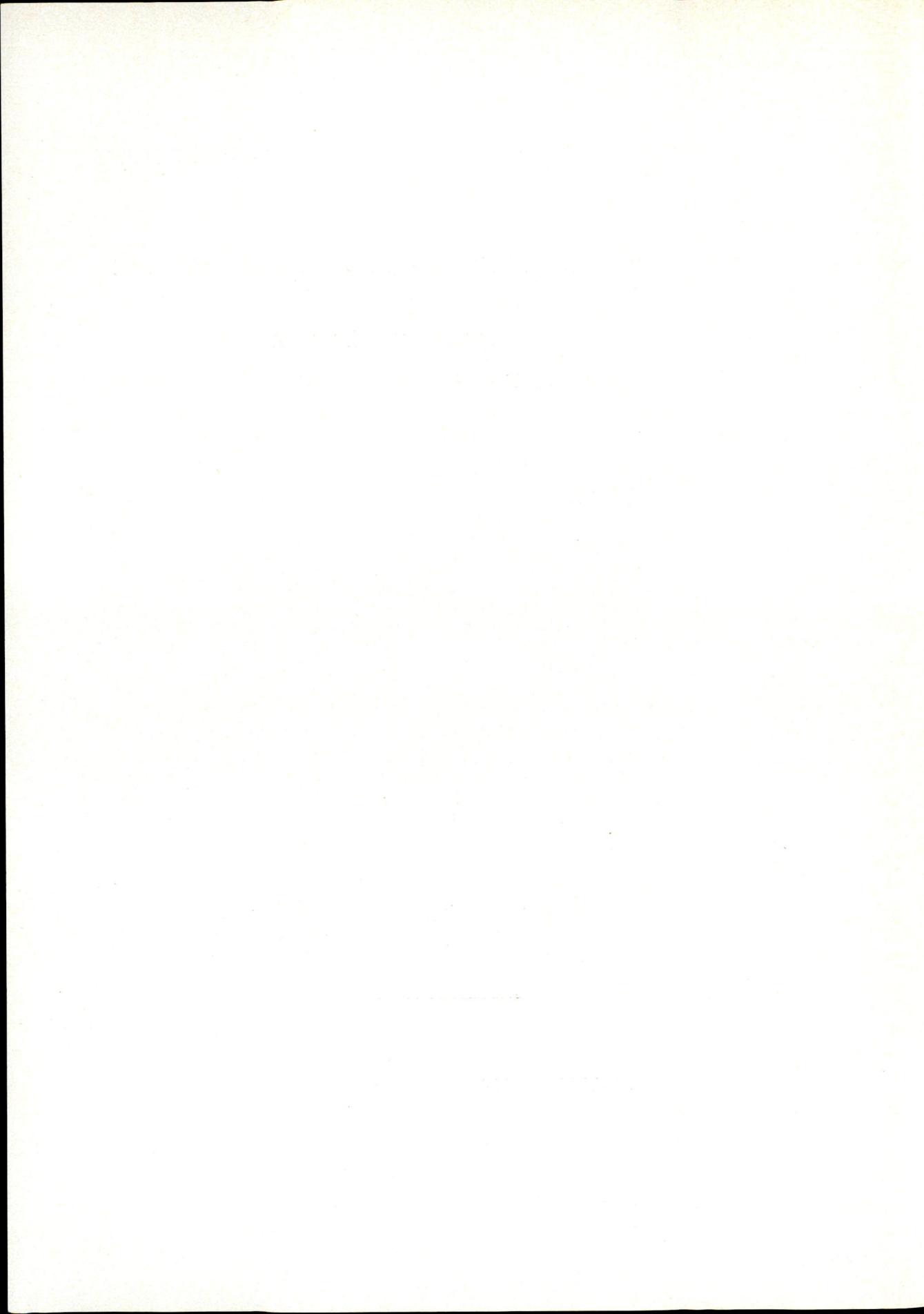
**EXPLANATORY NOTE**

**(This Explanatory Note relates to this Bill as introduced into Parliament)**

The object of this Bill is to alter the price at which wheat is sold by the Australian Wheat Board ("the Board") for use or consumption in New South Wales. The Bill gives effect to the alteration from 1st October, 1984, pending the passage of proposed complementary Commonwealth/State wheat marketing legislation to replace existing legislation.

The Bill—

- (a) provides for an administered domestic price for human consumption wheat determined quarterly on the basis of an averaging of the Board's quoted forward Australian standard wheat export prices for the forward and past quarters, plus a margin set at an amount estimated as the additional costs involved in servicing the domestic market compared with the export market (Schedule 1 (3) (a));
- (b) adds a loading in the domestic price of all wheat sold by the Board (instead of only wheat for human consumption) to cover the cost of shipment of wheat to Tasmania (Schedule 1 (3) (a));
- (c) allows the Board to refund, to an exporter of wheat products containing wheat sold by the Board, the human consumption price margin and the Tasmanian freight subsidy loading applicable to the wheat at the time it was sold (Schedule 1 (3) (g));
- (d) enacts a provision corresponding to a provision proposed to be inserted into the existing Commonwealth complementary legislation dealing with money owed to the Board by growers (Schedule 1 (2)); and
- (e) enacts other minor, transitional and ancillary provisions.



**WHEAT MARKETING (AMENDMENT) BILL, 1984**

No.       , 1984.

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**A BILL FOR**

An Act to amend the Wheat Marketing Act, 1979, in relation to the price for wheat sold for use or consumption in Australia, and for other purposes.

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*Wheat Marketing (Amendment) 1984*

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:—

**5 Short title.**

1. This Act may be cited as the "Wheat Marketing (Amendment) Act, 1984".

**Commencement.**

2. (1) Sections 1 and 2 shall commence on the date of assent to this Act.

10 (2) Except as provided by subsection (1), this Act shall commence, or shall be deemed to have commenced, as the case may require, on 1st October, 1984.

**Amendment of Act No. 202, 1979.**

3. The Wheat Marketing Act, 1979, is amended in the manner set forth in Schedule 1.

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SCHEDULE 1.

(Sec. 3.)

## AMENDMENTS TO THE WHEAT MARKETING ACT, 1979.

(1) Section 14 (7)—

20 Omit the subsection.

*Wheat Marketing (Amendment) 1984*SCHEDULE 1—*continued.*AMENDMENTS TO THE WHEAT MARKETING ACT, 1979—*continued.*

## (2) Section 17A (5)—

Omit the subsection, insert instead:—

- 5           (5) The Board may deduct the whole or a part of an amount payable (including an amount that became payable before the commencement of this subsection) by a person to the Board under subsection (4) from an amount payable by the Board to the person under section 17 or under the corresponding provision of the  
10           Commonwealth Act or a State Act.

## (3) (a) Section 21 (1)–(3)—

Omit the subsections, insert instead:—

- 15           (1) The price at which the Board shall, by a contract made in the State (other than a contract entered into under section 14), sell wheat for use or consumption in Australia is the appropriate price that is applicable in accordance with this section.

- 20           (2) Subject to subsection (3), during a quarter (in this subsection referred to as the “relevant quarter”) the price per tonne for Australian standard white wheat in bulk sold free on rail at a port of export for human consumption in Australia is the price determined by the Commonwealth Minister, or by a person authorised in writing by the Commonwealth Minister, by—

- 25           (a) taking the average amount per tonne of the export price, f.o.b., quoted by the Board on each of the 20 business days immediately preceding the 16th day of the month immediately preceding—

- 30                   (i) the relevant quarter; and  
                  (ii) the quarter immediately preceding the relevant quarter,

*Wheat Marketing (Amendment) 1984*SCHEDULE 1—*continued.*AMENDMENTS TO THE WHEAT MARKETING ACT, 1979—*continued.*

5 for Australian standard white wheat to be disposed of  
on each day of the relevant quarter or the quarter  
immediately preceding the relevant quarter, as the case  
requires, by the Board by way of export sale or sale for  
export; and

10 (b) adding to the amount calculated in accordance with  
paragraph (a) such amount (if any) as is determined by  
the Commonwealth Minister after consultation with the  
Minister and the Board in relation to the relevant  
15 quarter, to be an amount per tonne by which the costs  
incurred by the Board in marketing wheat for human  
consumption in Australia exceed the costs incurred by  
the Board in marketing wheat for human consumption  
for export.

20 (3) There shall be added to a price determined under sub-  
section (2) or (4) such amount as the Commonwealth Minister,  
after consultation with the Minister and the Board, considers  
to be necessary to be included in the price of all wheat sold by  
the Board for use or consumption in Australia for the purpose  
of enabling the Board to meet the costs of shipment of wheat  
(including overseas wheat) by the Board to a port in Tasmania.

(b) Section 21 (4)—

25 Omit “subsection (5)”, insert instead “subsections (3) and  
(5)”.

(c) Section 21 (8)—

30 Omit “a season sold free on rail at a port of export before the  
final purchasing day for”, insert instead “the relevant season  
sold free on rail at a port of export before the expiration of”.

*Wheat Marketing (Amendment) 1984*SCHEDULE 1—*continued.*AMENDMENTS TO THE WHEAT MARKETING ACT, 1979—*continued.*

(d) Section 21 (8)—

Omit “under section 16 (1)”.

5 (e) Section 21 (9), (11)—

Omit “a season” wherever occurring, insert instead “the relevant season”.

(f) Section 21 (10) (a)—

Omit “that season”, insert instead “the relevant season”.

10 (g) Section 21 (12)–(14)—

Omit section 21 (12), insert instead:—

15 (12) Where a person other than the Board exports wheat products containing any wheat sold by the Board on or after 1st October, 1984, being a sale of wheat to which this section applies, the Board shall, on application made to it by the person, refund to the person an amount equal to the aggregate of the amounts referred to in subsections (2) (b) and (3) that were applicable in relation to that wheat at the time when that wheat was sold by the Board.

20 (13) An application under subsection (12) shall be in accordance with a form approved by the Board.

(14) In this section—

“associated farm” has the same meaning as in section 13;

“business day” means a day other than—

25 (a) a Saturday;

(b) a Sunday; or

*Wheat Marketing (Amendment) 1984*

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SCHEDULE 1—*continued.*

AMENDMENTS TO THE WHEAT MARKETING ACT, 1979—*continued.*

(c) a day that is a public holiday in the place where the head office of the Board is situated;

5 “quarter” means a period of 3 months commencing on any 1st January, 1st April, 1st July or 1st October;

“relevant season” means the period of 12 months commencing on 1st July, 1984.

(4) Schedule 1—

10 Omit the Schedule.

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BY AUTHORITY

D. WEST, GOVERNMENT PRINTER, NEW SOUTH WALES—1984

**WHEAT MARKETING (AMENDMENT) ACT, 1984, No. 111**

**New South Wales**



ANNO TRICESIMO TERTIO

**ELIZABETHÆ II REGINÆ**

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**Act No. 111, 1984.**

An Act to amend the Wheat Marketing Act, 1979, in relation to the price for wheat sold for use or consumption in Australia, and for other purposes.

[Assented to, 26th September, 1984.]

*Wheat Marketing (Amendment) 1984*

**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:—

**Short title.**

1. This Act may be cited as the "Wheat Marketing (Amendment) Act, 1984".

**Commencement.**

2. (1) Sections 1 and 2 shall commence on the date of assent to this Act.

(2) Except as provided by subsection (1), this Act shall commence, or shall be deemed to have commenced, as the case may require, on 1st October, 1984.

**Amendment of Act No. 202, 1979.**

3. The Wheat Marketing Act, 1979, is amended in the manner set forth in Schedule 1.

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SCHEDULE 1.

(Sec. 3.)

AMENDMENTS TO THE WHEAT MARKETING ACT, 1979.

(1) Section 14 (7)—

Omit the subsection.

*Wheat Marketing (Amendment) 1984*SCHEDULE 1—*continued.*AMENDMENTS TO THE WHEAT MARKETING ACT, 1979—*continued.*

## (2) Section 17A (5)—

Omit the subsection, insert instead:—

(5) The Board may deduct the whole or a part of an amount payable (including an amount that became payable before the commencement of this subsection) by a person to the Board under subsection (4) from an amount payable by the Board to the person under section 17 or under the corresponding provision of the Commonwealth Act or a State Act.

## (3) (a) Section 21 (1)–(3)—

Omit the subsections, insert instead:—

(1) The price at which the Board shall, by a contract made in the State (other than a contract entered into under section 14), sell wheat for use or consumption in Australia is the appropriate price that is applicable in accordance with this section.

(2) Subject to subsection (3), during a quarter (in this subsection referred to as the “relevant quarter”) the price per tonne for Australian standard white wheat in bulk sold free on rail at a port of export for human consumption in Australia is the price determined by the Commonwealth Minister, or by a person authorised in writing by the Commonwealth Minister, by—

- (a) taking the average amount per tonne of the export price, f.o.b., quoted by the Board on each of the 20 business days immediately preceding the 16th day of the month immediately preceding—
- (i) the relevant quarter; and
  - (ii) the quarter immediately preceding the relevant quarter,

*Wheat Marketing (Amendment) 1984*

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SCHEDULE 1—*continued.*

AMENDMENTS TO THE WHEAT MARKETING ACT, 1979—*continued.*

for Australian standard white wheat to be disposed of on each day of the relevant quarter or the quarter immediately preceding the relevant quarter, as the case requires, by the Board by way of export sale or sale for export; and

- (b) adding to the amount calculated in accordance with paragraph (a) such amount (if any) as is determined by the Commonwealth Minister after consultation with the Minister and the Board in relation to the relevant quarter, to be an amount per tonne by which the costs incurred by the Board in marketing wheat for human consumption in Australia exceed the costs incurred by the Board in marketing wheat for human consumption for export.

(3) There shall be added to a price determined under subsection (2) or (4) such amount as the Commonwealth Minister, after consultation with the Minister and the Board, considers to be necessary to be included in the price of all wheat sold by the Board for use or consumption in Australia for the purpose of enabling the Board to meet the costs of shipment of wheat (including overseas wheat) by the Board to a port in Tasmania.

- (b) Section 21 (4)—

Omit “subsection (5)”, insert instead “subsections (3) and (5)”.

- (c) Section 21 (8)—

Omit “a season sold free on rail at a port of export before the final purchasing day for”, insert instead “the relevant season sold free on rail at a port of export before the expiration of”.

*Wheat Marketing (Amendment) 1984*SCHEDULE 1—*continued.*AMENDMENTS TO THE WHEAT MARKETING ACT, 1979—*continued.*

## (d) Section 21 (8)—

Omit “under section 16 (1)”.

## (e) Section 21 (9), (11)—

Omit “a season” wherever occurring, insert instead “the relevant season”.

## (f) Section 21 (10) (a)—

Omit “that season”, insert instead “the relevant season”.

## (g) Section 21 (12)–(14)—

Omit section 21 (12), insert instead:—

(12) Where a person other than the Board exports wheat products containing any wheat sold by the Board on or after 1st October, 1984, being a sale of wheat to which this section applies, the Board shall, on application made to it by the person, refund to the person an amount equal to the aggregate of the amounts referred to in subsections (2) (b) and (3) that were applicable in relation to that wheat at the time when that wheat was sold by the Board.

(13) An application under subsection (12) shall be in accordance with a form approved by the Board.

(14) In this section—

“associated farm” has the same meaning as in section 13;

“business day” means a day other than—

(a) a Saturday;

(b) a Sunday; or

*Wheat Marketing (Amendment) 1984*

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SCHEDULE 1—*continued.*

AMENDMENTS TO THE WHEAT MARKETING ACT, 1979—*continued.*

(c) a day that is a public holiday in the place where the head office of the Board is situated;

“quarter” means a period of 3 months commencing on any 1st January, 1st April, 1st July or 1st October;

“relevant season” means the period of 12 months commencing on 1st July, 1984.

(4) Schedule 1—

Omit the Schedule.

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

J. A. ROWLAND,  
*Governor.*

*Government House,  
Sydney, 26th September, 1984.*



