

## WHEAT INDUSTRY STABILISATION.

12° Elizabeth II., No. LXXVII.

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No. 77 of 1963.

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### AN ACT relating to the Stabilisation of the Wheat Industry.

[Assented to 19th December, 1963.]

**B**E it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and the Legislative Assembly of Western Australia, in this present 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 Stabilisation Act, 1963*.
- Commence-  
ment.** 2. This Act shall be deemed to have come into operation on the day on which the Wheat Industry Stabilization Act 1963 of the Commonwealth Parliament came into operation.

3. This Act is divided into Parts as follows— Arrangement  
of Act.

PART I.—PRELIMINARY (sections 1-8).

PART II.—POWERS OF THE AUSTRALIAN WHEAT  
BOARD (sections 9-10).

PART III.—DELIVERY OF WHEAT TO THE AUS-  
TRALIAN WHEAT BOARD (sections 11-21).

PART IV.—MISCELLANEOUS (sections 22-24).

4. (1) The Wheat Industry Stabilisation Act, Repeal and  
saving.  
1958 is repealed.

(2) Notwithstanding the repeal effected by sub-  
section (1) of this section, the provisions of the Act  
repealed by this section continue to apply—

(a) in relation to wheat harvested before the  
first day of October, nineteen hundred and  
sixty-three, as if this Act had not been  
passed; and

(b) as if references in the Act repealed by this  
section to the Australian Wheat Board  
continued in existence by the Wheat  
Industry Stabilization Act, 1958 of the  
Commonwealth Parliament were, in relation  
to things done or to be done after the  
coming into operation of this Act, references  
to that Board as continued in existence by,  
and as conducting its proceedings in  
accordance with, the Commonwealth Act.

(3) Wheat harvested on or after the first day of  
October, nineteen hundred and sixty-three, and  
delivered to the Board before the coming into  
operation of this Act, including wheat delivered  
to a person who was a licensed receiver for  
the purposes of the Act repealed by this section,  
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 coming into operation of this Act  
shall be deemed to have been made in pursuance of  
this Act.

Definitions.

5. In this Act, unless the contrary intention appears—

“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;

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

“the Commonwealth Act” means the Wheat Industry Stabilization Act 1963 of the Commonwealth Parliament;

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

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

“the State Board” means the Western Australian Wheat Board.

Application of Act.

6. This Act applies in relation to wheat harvested—

(a) in the season that commenced on the first day of October, nineteen hundred and sixty-three; and

(b) in the next four succeeding seasons.

Act to apply subject to Constitution.

7. (1) If, by reason of the Constitution of the Commonwealth, 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 in relation to which it purports to apply, being wheat in relation to which it can validly apply.

(2) Subsection (1) of this section is in addition to, and not in substitution for, any other provision relating to the construction of Acts and statutory instruments subject to the Constitution of the Commonwealth.

8. (1) The Western Australian Wheat Board as constituted immediately before the coming into operation of this Act is by and subject to the provisions of this Act continued in existence for the purposes of this Act as the State Board.

The Western Australian Wheat Board.  
Cf. No. 75 of 1948, s. 4 (1) and No. 31 of 1958, s. 6 (1).

(2) The State Board shall consist of seven persons appointed to the office of member of the State Board by the Governor.

Constitution of State Board.  
Cf. No. 75 of 1948, s. 4 (2) and No. 31 of 1958, s. 6 (2).

(3) Of the seven persons—

Nomination or election and selection of members of State Board.

(a) four persons elected by the Farmers' Union of Western Australia (Inc.) shall be appointed to represent the interests of wheat growers;

Cf. No. 75 of 1948, s. 3, as amended by No. 49 of 1949, s. 3 and No. 31 of 1958, s. 6 (3).

(b) one person being the occupant for the time being of the office of Manager of the Co-operative Bulk Handling Limited shall be appointed to represent the interests of licensed receivers;

(c) one person whose name is selected by the Minister from a panel of three names submitted to him by the W.A. Flour Mill-owners' Association shall be appointed to represent the interests of flour millers; and

(d) one person nominated by The Western Australian Government Railways Commission shall be appointed to represent the interests of that Commission.

(4) If for any reason a person is not elected or nominated, as the case requires, for appointment as a member of the Board to represent the respective interests mentioned in subsection (3) of this section, or having been so elected or nominated does not take office, the Governor may appoint to the office a person to represent the appropriate interest concerned.

Power of appointment on failure of nomination or election.  
Act No. 31 of 1958, s. 6 (4).

Tenure of office.  
Cf. Bill for the Commonwealth Act, cl. 9 (4) and Act No. 31 of 1958, s. 6 (5).

(5) (a) A person holding office as a member of the State Board immediately before the coming into operation of this Act continues to be entitled to hold the office as if appointed under and subject to the provisions of this Act as member of the State Board.

(b) Without prejudice to the operation of a provision of this Act under which a person ceases earlier to hold office as a member of the State Board, all persons holding office as such cease to hold office as members of the State Board at the expiration of a period of three years from and including the twenty-sixth day of October, nineteen hundred and sixty-two, and at the expiration of each successive period of three years or upon the cessation of the existence of the Board during any of those successive periods.

Circumstances in which office becomes vacant.  
Cf. No. 75 of 1948, s. 4 (6) and No. 31 of 1958, s. 6 (6).

(6) Subject to the provisions of this Act, the office of member of the State Board becomes vacant by reason of the occupant—

- (a) becoming of unsound mind, or being declared, under the provisions of any law for the time being relating to mental infirmity, incapable of managing his affairs;
- (b) becoming bankrupt, or availing himself as a debtor of any law for the relief of bankrupt debtors;
- (c) resigning or dying;
- (d) ceasing, in the opinion of the Minister, to represent the interests which he is appointed to represent;
- (e) being removed from office on the ground of misbehaviour or incapacity.

Appointment to fill vacancy.  
Cf. No. 75 of 1948, s. 4 (7) and No. 31 of 1958, s. 6 (7).

(7) When any of the offices of member of the State Board becomes vacant, otherwise than by expiration of the term for which the occupant was appointed, the Governor may appoint to the vacant office, a person to represent the appropriate interests concerned for the remainder of that term.

(8) When any office of member elected to represent the interests of wheat growers, is about to become vacant by effluxion of the term for which the occupant was appointed, the Farmers' Union of Western Australia (Inc.) shall elect a person for appointment to the vacancy, and the fact that a person is an occupant of the office at the time of nomination for the election does not prejudice his right to nominate.

Vacancy in office of wheat growers' representative. Cf. No. 75 of 1948, s. 4 (7a) added by No. 49 of 1949, s. 3 (e) and No. 31 of 1958, s. 6 (8).

(9) The Governor may appoint a person nominated by a member of the State Board and approved by the Minister or, if a person is not so nominated, a person nominated by the Minister, to act in the place of the member as his deputy during his absence.

Deputies. Cf. No. 75 of 1948, s. 4 (8) and No. 31 of 1958, s. 6 (9)

(10) No appointment of, and no act, matter or thing done by any person as a deputy for any member of the State Board or of or by any person to fill any vacancy in any of the offices of member of the State Board shall be questioned on the ground that the occasion for the appointment had not arisen or had ceased.

Validity of functions. Cf. No. 75 of 1948, s. 4 (9) and No. 31 of 1958, s. 6 (10).

(11) In respect of the office of member of the State Board no occupant is required to devote the whole of his time and attention to the duties of the office but is required to devote such time only as is necessary efficiently to discharge those duties, and whether as member of the State Board or a deputy or a person appointed to fill a vacancy, is entitled to such remuneration, allowances and leave of absence as shall be determined by the Governor.

Part time duties and remuneration. Cf. No. 75 of 1948, s. 4 (10) and No. 31 of 1958, s. 6 (11).

(12) The Minister shall appoint from the members of the State Board, the chairman of the State Board and a deputy chairman to act in the place of the chairman during his absence.

Minister to appoint chairman and his deputy. Cf. No. 75 of 1948, s. 4 (11) and No. 31 of 1958, s. 6 (12).

(13) Four members of the State Board form a quorum and have all the powers and duties conferred upon the State Board by the provisions of this Act.

Quorum. Cf. No. 75 of 1948, s. 4 (13) and No. 31 of 1958, s. 6 (13).

Majority resolutions.  
Cf. No. 75 of 1948, s. 4 (12) and proviso to s. 4 (14) and No. 31 of 1958, s. 6 (14).

(14) At any meeting of the State Board the resolution of a majority is the resolution of the State Board, but each member of the State Board is entitled to one vote only on any question to be resolved.

Convention of meetings and conduct of proceedings.  
Cf. No. 75 of 1948, s. 4 (14) and No. 31 of 1958, s. 6 (15).

(15) The convention of meetings and conduct of proceedings of the State Board shall, subject to subsection (14) of this section, be as prescribed and until prescribed shall, subject to that subsection, be regulated by the State Board.

Records to be kept.  
Cf. No. 75 of 1948, s. 4 (15) and No. 31 of 1958, s. 6 (16).

(16) The State Board shall keep a record of its meetings and proceedings.

Members eligible for re-appointment.  
Cf. No. 31 of 1958, s. 6 (17).

(17) A person is not rendered ineligible for appointment as a member because he has previously occupied office of member of the Board unless he has been removed under subsection (6) of this section for misbehaviour.

State Board may nominate members for office on Commonwealth Board.  
Cf. No. 75 of 1948, s. 5 (1), and cl. 9 (1) (j) and (3) of the Bill for the Commonwealth Act and No. 31 of 1958, s. 6 (18).

(18) From time to time as occasion requires the State Board shall nominate two of its members who are wheat growers for appointment to represent wheat growers of the State on the Australian Wheat Board.

Cf. cl. 16 of the Bill for the Commonwealth Act.

(19) (a) The State Board is authorised to act as a licensed receiver.

Cf. cl. 34 (2) of the Bill for the Commonwealth Act and s. 5 of No. 75 of 1948 and No. 31 of 1958, s. 6 (19).

(b) Where as the result of an agreement between the Commonwealth Minister and the Minister administering this Act the whole or part of the remuneration or allowances payable to the State Board as a licensed receiver is to be paid from the public moneys of the State, the Consolidated Revenue Fund of the State is hereby appropriated to the necessary extent.

State Board to be Licensed Receiver.

(c) Nothing in this Act shall be construed so as to render the State liable in respect of the State Board's function as a licensed receiver to any person or body, the intention being that the State Board in carrying out those functions does so for and on behalf of the Australian Wheat Board.

Cf. No. 75 of 1948, proviso to s. 5.

PART II.—POWERS OF THE AUSTRALIAN  
WHEAT BOARD.

9. (1) The Board may—

Powers of Board.

- (a) purchase wheat, wheaten flour, semolina, corn sacks, jute or jute products;
- (b) accept wheat delivered to it;
- (c) sell or dispose of wheat, wheaten flour, semolina, corn sacks, jute or jute products the property of the Board;
- (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 the handling, storage, protection, treatment, transfer or shipment of wheat or other things purchased or otherwise acquired by the Board or sold or otherwise disposed of by the Board; and
- (f) do all things that the Board is required or permitted by this Act to do or that 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.

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

Licensed Receivers.



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

(3) An authority, authorised under the provisions of any other Act to receive wheat, shall by force of this subsection be regarded as licensed by the Board as a licensed receiver with the powers and subject to the duties conferred and imposed by those provisions.

(4) Where a licensed receiver receives from a grower wheat in new corn sacks, the licensed receiver shall—

- (a) credit the grower with the weight of that wheat; and
- (b) pay the grower an amount equal to the market price of the new corn sacks at the time when they are received.

PART III.—DELIVERY OF WHEAT TO THE  
AUSTRALIAN WHEAT BOARD.

Delivery of  
wheat.

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

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

- (a) by notice in writing served personally on the person to whom it is addressed or served on that person by post at his usual or last-known place of abode or business; or
- (b) by notice published in the *Government Gazette* and addressed to persons generally or to persons included in a class of persons,

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

- (c) deliver to the Board any wheat that is in the possession of that person; or
- (d) deliver to the Board 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 harvested before the first day of October, nineteen hundred and sixty-three;
- (b) wheat retained by the grower for use on the farm where it is grown;
- (c) wheat that has been sold by the Board; or
- (d) wheat sold or delivered to a person with the approval of the Board.

(5) A person shall not—

- (a) refuse or fail to deliver any wheat to the Board as required by a notice under subsection (2) of this section; or
- (b) deliver to the Board wheat that has previously been sold by the Board.

Penalty: Three times 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 six months, or both.

12. (1) Delivery of wheat to the Board may be made by delivering or consigning the wheat to a licensed receiver.

Delivery to  
licensed  
receiver.

(2) A person who delivers or consigns 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.

Unauthorised  
dealings  
with wheat.

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

- (a) sell, deliver or part with the possession of, or take into his possession, wheat other than wheat specified in subsection (4) of section eleven of this Act;
- (b) part with the possession of, or take into his possession, wheat 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 that is the property of the Board.

Penalty: Three times 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 six months, or both.

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, but where payment is made for the corn sacks by a licensed dealer under paragraph (b) of subsection (4) of section ten of this Act, the Board shall reimburse the licensed dealer the amount of the payment.

(2) The Board shall determine amounts payable under subsection (1) 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, whether in pursuance of this Act or otherwise, to the Board in Australia;
- (b) deducting from the amount so ascertained an amount calculated at the rate of three-pence for each bushel of so much of the wheat of that season grown in this State

as the Board certifies to the Commonwealth Minister to have become available for export to places outside Australia or such lesser amount as the Board determines having regard to the freight charges that have and may become payable in respect of such export and the rate or rates at which freight charges are payable in respect of the export of wheat from other places in 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, whether in pursuance of this Act or otherwise, wheat of that season to the Board in Australia on the basis of the number of bushels of wheat so delivered by each of those persons, 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, and other necessary adjustments in particular cases; and
- (d) adding to the share, ascertained under paragraph (c) of this subsection, of each person who delivered to the Board, in this State, wheat of that season grown in this State an amount per bushel of the wheat so delivered by him calculated by dividing the amount deducted under paragraph (b) of this subsection by a number equal to the number of bushels of wheat of that season grown in this State and delivered to the Board in this State.

(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, whether in pursuance of this Act or otherwise, to it in Australia 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 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 the charge imposed by the Wheat Export Charge Act, 1963 of the Commonwealth Parliament and administration, interest, transport, storage and other charges incurred by the Board, other than charges for transport to the terminal port from the place at which the wheat is delivered to the Board.

(6) In ascertaining the net proceeds of the disposal of any wheat, no account shall be taken of money to which section twenty-one of this Act, or a corresponding provision of the Commonwealth Act or an Act of another State, applies or of costs of the Board payable out of the money.

(7) Where the average price, as ascertained under subsection (8) of this section, per bushel obtained by the Board for wheat of a season 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 under the Commonwealth Act out of the Wheat Prices Stabilization Fund referred to in that Act that is to say an amount ascertained by multiplying the amount of the difference between that average price and the guaranteed price by—

(a) a number equal to the number of bushels of wheat of the season exported by the Board, or sold by the Board for export; or

(b) one hundred and fifty million,

whichever is the less.

(8) In ascertaining the average price for the purposes of subsection (7) of this section, the price obtained in respect of a sale other than a sale of fair average quality bulk wheat free on rails at the port of export shall be deemed to be the price which would have been the corresponding price for a sale of the same quantity of fair average quality bulk wheat free on rails at the port of export.

(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 of the Commonwealth Parliament.

15. (1) The amount payable under this Act in respect of 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 money so paid was the proceeds of a sale or purported sale of the wheat, or wheat and corn sacks, by him, and those rights may be enforced by action in any court that would have had jurisdiction if the money was the proceeds of such a sale or purported sale.

(3) Payment in good faith by the Board of any money payable under this Act to the person appearing to the Board to be entitled to receive it discharges the Board from any further liability in respect of that money.

(4) Except in the case of a registered crop lien, subject to subsection (5) of this section, an assignment, executed after the coming into operation of this Act, of money payable by the Board in respect of wheat, or wheat and corn sacks, delivered to the Board is void as against the Board.

(5) Where a person assigns money 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 the money to the assignee.

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

16. (1) A person who—

- (a) consigns or delivers to a licensed receiver wheat harvested before the thirtieth day of September, nineteen hundred and sixty-three; or
- (b) consigns or 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 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, etc.

17. (1) A member of the police force of the Commonwealth or of the State who is authorised 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 or corn sacks or both, and any accounts, books and documents relating to wheat or corn sacks or both; and
- (b) take possession of and remove wheat that is the property of the Board or 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, other than wheat that is the property of the Board, of which possession is taken under subsection (1) 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, 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. 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.

Proper care  
to be taken  
of wheat  
owned by  
Board.

20. (1) In this section "year" means the period of twelve months commencing on the first day of December, nineteen hundred and sixty-three and each subsequent period of twelve months.

Home con-  
sumption  
price of  
wheat.

(2) The price at which the Board shall sell wheat for manufacture into wheat products for human consumption in Australia, or wheat for consumption



in Australia by pigs, poultry or dairy stock, is the appropriate price ascertained in accordance with this section.

(3) 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 shall be the guaranteed price for wheat of the season that is current at the beginning of the year in which the sale is made.

(4) The price applicable under subsection (3) of this section, shall be increased by an amount of twopence per bushel for the purpose of reimbursing the Board for the costs of shipment of wheat to the State of Tasmania.

(5) If the Board reports to the Commonwealth Minister that the amounts being received by the Board by reason of the operation of subsection (4) of this section together with amounts being received under corresponding provisions of the Commonwealth Act and of the 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 direct the Board that the amount per bushel specified in that subsection 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 (3) of this section shall be a price ascertained by adding to or deducting from the price 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) Notwithstanding the repeal of section eighteen of the Wheat Industry Stabilisation Act, 1958 of the Parliament—

(a) the prices for sales of wheat by the Board that were applicable under that section immediately before the date of the coming into operation of this Act continue to be applicable to sales made after that date and before the first day of December, nineteen hundred and sixty-three; and

- (b) all money received by the Board in respect of such sales by reason of the operation of subsections (4) and (5) of that section shall be deemed to be money to which subsection (1) of section twenty-one of this Act applies.

21. (1) Notwithstanding any other provision of this Act but subject to this section, the Board shall keep a separate account of the money received by the Board by reason of the operation of subsections (4) and (5) of section twenty of this Act and of payments made out of that money, and shall not apply that money 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 (1) 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 money referred to in subsection (1) 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 money derived by it from the sale of wheat delivered to it in pursuance of this Act.

(4) Any money referred to in subsection (1) of this section that remains unexpended after the Board has disposed of the whole of the wheat of the last season to which this Act applies 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 money that, immediately before the coming into operation of this Act, was standing to the credit of the account kept by the Board for the purposes of section nineteen of the Wheat Industry Stabilisation Act, 1958 of the Parliament shall be deemed to be money to which subsection (1) of this section applies.

PART IV.—MISCELLANEOUS.

Use of funds  
by Board.

22. Subject to the Board 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 money 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.

Offences

23. A person who contravenes or fails to comply with a provision of this Act for which no other penalty is provided is guilty of an offence punishable by a fine not exceeding One hundred pounds or imprisonment for a term not exceeding six months.

Regulations.

24. 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, and in particular making provision for penalties not exceeding a fine of One hundred pounds or imprisonment for six months, or both, for offences against the regulations.

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