

## WHEAT INDUSTRY STABILISATION.

3° Elizabeth II., No. LII.

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No. 52 of 1954.

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

[Assented to 23rd December, 1954.]

**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:—

1. This Act may be cited as the *Wheat Industry Stabilisation Act, 1954.* Short title.

2. The day of the coming into operation of this Act is the day of the coming into operation of the Commonwealth Act mentioned in section four of this Act. Commence-  
ment.

3. (1) The Wheat Marketing Act, 1948-1953, Act No. 75 of 1948 as amended by Acts Nos. 49 of 1949, 7 of 1952 and 2 of 1953, is repealed. Repeal.

(2) Notwithstanding the repeal effected by subsection (1) of this section, the provisions of the repealed Acts continue to apply,

- (a) as if this Act had not been passed, in relation to wheat harvested before the first day of October, one thousand nine hundred and fifty-three; and
- (b) as if references in the repealed Act to the Australian Wheat Board established by the Wheat Marketing Act, 1948-1953 of the Commonwealth Parliament were, in relation to things done or to be done after the commencement of this Act, references to that Board as continued in existence by, and as conducting its proceedings in accordance with, the Commonwealth Act mentioned in section four of this Act.

(3) Wheat harvested on or after the first day of October, one thousand nine hundred and fifty-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operation of this Act, including wheat delivered to a person who was a licensed receiver for the purposes of the Acts repealed by this Act, is deemed to have been delivered in pursuance of section eight of this Act, and any advance payment made by the Board in respect of any such wheat before the commencement of this Act is deemed to have been made in pursuance of this Act.

Interpre-  
tations.

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

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

“Commonwealth Act” means the Wheat Industry Stabilisation Act, 1954 of the Commonwealth Parliament, and includes Acts of the Commonwealth Parliament amending or substituted for that Act;

“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;

“cost of production” means—

- (a) in relation to wheat of the season that ended on the thirtieth day of September, one thousand nine hundred and fifty-four—twelve shillings and seven pence per bushel; and
- (b) in relation to wheat of a subsequent season—the cost of production per bushel of wheat of that season as determined in pursuance of section five of the Commonwealth Act;

“guaranteed price,” in relation to wheat of a season, means an amount equal to the cost of production of wheat of that season;

“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;

“State Board” means The Western Australian Wheat Board.

Cf. No. 75 of 1948, s. 3 as amended by No. 2 of 1953, s. 4 (c)

5. (1) If, by reason of the Constitution of the Commonwealth of Australia, 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.

Act to apply subject to Constitution.

(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 of Australia.

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

6. (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.

State Board to consist of seven members.  
Cf. No. 75 of 1948, s. 4 (2).

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

Nomination or election, and selection of members of State Board.  
Cf. No. 75 of 1948, s. 3, as amended by No. 49 of 1949, s. 3.

(3) Of the seven persons—

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

Power to appoint on failure of nomination or election

(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.

Tenure of office.  
Cf. Bill for the Commonwealth Act, cl. 7 (4).

(5) (a) A person appointed under the repealed Wheat Marketing Act, 1948-1953 of the State Parliament to, and 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, one thousand nine hundred and fifty-three, 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.

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

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

- (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.

(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.

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

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

(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 shall not prejudice his right to nominate.

Deputies.  
Cf. No. 75 of 1948, s. 4 (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.

Validity of functions.  
Cf. No. 75 of 1948, s. 4 (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.

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

(11) In respect of the office of member of the State Board no occupant shall be required to devote the whole of his time and attention to the duties of the office but such time only as shall be 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, shall be entitled to such remuneration, allowances and leave of absence as shall be determined by the Governor.

Minister to appoint chairman and his deputy.  
Cf. No. 75 of 1948, s. 4 (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.

Quorum.  
Cf. No. 75 of 1948, s. 4 (13).

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

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

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

(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.

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

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

Records to be kept.  
Cf. No. 75 of 1948, s. 4 (15).

(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.

(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.

State Board may nominate members for office on Commonwealth Board.

Cf. No. 75 of 1948, s. 5 (1), and cl. 7 (1) (j) and 3 of the Bill for the Commonwealth Act.

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

Cf. cl. 11 of the Bill for the Commonwealth Act.

(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.

Cf. cl. 31 (3) of the Bill for the Commonwealth Act; and s. 5 of No. 75 of 1948.

(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.

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

Licensed receivers.

(2) The State Board is entitled to a license 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) When the licensed receiver receives from a grower wheat in new cornsacks the licensed receiver shall—

- (a) credit the grower with the weight of that wheat;
- (b) pay the grower an amount equal to the market price of the new cornsacks when received.

**Powers of Board.**

8. (1) The Board may—

- (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 product 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 it 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.



9. (1) A person who is in possession of wheat— Delivery of wheat.
- (a) may deliver that wheat to the Board; and
  - (b) shall deliver that wheat to the Board on demand made under this section by or on behalf of the Board.

(2) Upon delivery of the wheat to the Board, the wheat becomes the absolute property of the Board, freed from all mortgages, charges, liens, pledges, interests and trusts affecting the wheat.

- (3) A demand under this section may be made—
- (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*, in which case it may be addressed to persons generally, or to persons included in a class of persons.

(4) Nothing in this section applies to—

- (a) wheat harvested before the first day of October, one thousand nine hundred and fifty-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 comply with a demand made under this section; or
- (b) deliver to the Board wheat which has previously been sold by the Board.

Penalty: 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 six months, or both.

10. (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 or in the payment to be made for the wheat, and all particulars known to him of those interests.

Unauthorised  
dealings  
with wheat.

11. Except as provided in sections nine and ten of this Act, or with the consent 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 nine 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: 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 six months, or both.

Price to be  
paid for  
wheat.

12. (1) Where wheat is delivered to the Board in pursuance of this Act, the Board shall pay for that wheat, including, unless payment is made for the cornsacks by a licensed receiver under paragraph (b) of subsection (4) section seven of this Act, in which case the Board shall reimburse the licensed receiver the amount of the payment, 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 (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 the State of Western Australia as the Board certifies to the Commonwealth Minister to have become available for export to places outside Australia;
- (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 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 the State of Western Australia, wheat of that season grown in that 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 delivered to the Board in that 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 account in respect of sales in such manner as will, in its judgment, attribute sales to wheat of different seasons, including the season that ended on the thirtieth day of September, one thousand nine hundred and fifty-four, 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 wheat, including corn sacks in which the wheat was sold, after paying the charge imposed by the Wheat Export Charge Act, 1954 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 wheat, no account shall be taken of money to which section nineteen of this Act, section twelve C of the Wheat Marketing Act, 1948-1953 of the State Parliament, or a corresponding provision of a Commonwealth Act or an Act of another State, applies or applied or of costs of the Board payable out of those moneys.

(7) Where the average price, 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 established by 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 number equal to the number of bushels of wheat of the season exported by the Board, or sold by the Board for export, or by one hundred 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.

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

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

(4) Except in the case of a registered crop lien or an assignment mentioned in 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 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 delivered or to be delivered to the Board in payment of, or as security for payment of,

(a) an amount payable by that person for corn sacks supplied to him; or

(b) a contribution by that person to the Soil Fertility Research Fund mentioned in the Soil Fertility Research Act, 1954, being a contribution made payable to the Trustees of that Fund;

the Board may pay the money in accordance with the assignment and an assignment for payment of a contribution to the Soil Fertility Research Fund is exempt from stamp duty under the Stamp Act, 1921.

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

14. (1) A person who—

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

15. (1) A member of the Police Force or other person 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 stocks of wheat or corn sacks, and accounts, books and documents relating to wheat or corn sacks; 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, or corn sacks 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 which is the property of the Board, of which possession is taken under subsection (1) of this section 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.

16. (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 information which is false or misleading in any particular.

17. 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 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.

18. (1) In this section—

“export parity,” in relation to sales made in a year, means the price that the Commonwealth Minister certifies to the Board to be the price which he is satisfied was the price, expressed in Australian currency per bushel, prevailing immediately before the commencement of that year for sales by the Board on the export market of bulk wheat of fair average quality free on rails at the ports of export;

Home consumption price of wheat.

“the International Wheat Agreement price,” in relation to sales made in a year, means the amount which the Commonwealth Minister certifies to the Board to be the amount which he is satisfied is the equivalent, in Australian currency and on the basis of sales free on rails at the ports of export, of the price per bushel prevailing immediately before the commencement of that year for sales by the Board under an International Wheat Agreement of bulk wheat of fair average quality;

“year” means the period of twelve months commencing on the first day of December, one thousand nine hundred and fifty-four, and each subsequent period of twelve months.

(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—

(a) the International Wheat Agreement price or, if, at the beginning of the year in which the sale is made, there is not in operation an International Wheat Agreement that has been accepted by Australia, export parity;

or

(b) fourteen shillings;

whichever is the less.

(4) If the price applicable to a sale under subsection (3) of this section is less than the cost of production of wheat of the season that is current at the beginning of the year in which the sale is made, the price shall, subject to subsection (5) of this section, be an amount per bushel equal to that cost of production.



(5) The price applicable under either subsection (3) or (4) of this section shall be increased by an amount of one penny half-penny per bushel for the purpose of reimbursing the Board for the costs of shipment of wheat to Tasmania.

(6) If the Board reports to the Commonwealth Minister that the amounts being received by the Board by reason of the operation of subsection (5) of this section, together with amounts being received under corresponding provisions of the Commonwealth Act and the laws of the other States, are more or less than the amounts required to meet the costs of shipment of wheat by the Board to 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.

Cf. s. 8 (2)  
ante as to  
directions.

(7) 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.

(8) Notwithstanding the repeal of section twelve B of the Wheat Marketing Act, 1948-1953 of the State Parliament,

- (a) the prices for sales of wheat by the Board that were applicable under that section immediately before the coming into operation of this Act continue to be applicable to sales made before the first day of December, one thousand nine hundred and fifty-four; and
- (b) all money received by the Board in respect of such sales by reason of the operation of subsection (5) or (6) of that section shall be deemed to be money to which subsection (1) of section nineteen of this Act applies.

Special  
account for  
freight to  
Tasmania.

19. (1) Notwithstanding any other provision of this Act but subject to this section, the Board shall keep a separate account of money received by the Board by reason of the operation of subsections (5) and (6) of section eighteen of this Act, and of payments made out of that money, and shall not apply that money except in accordance with this section.

(2) The Board may combine the account required to be kept under subsection (1) of this section with any similar account or accounts be to 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 Tasmania on and after the first day of December, one thousand nine hundred and fifty-three, 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 which 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 paid by the Board, before the commencement of this Act, in pursuance of section twelve C of the Wheat Marketing Act, 1948-1953, of the State Parliament, to the credit of the account kept for the purposes of that section and not expended before the commencement of this Act shall be deemed to be money to which subsection (1) of this section applies.

Use of funds  
by Board.

20. 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

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.

21. (1) A person who omits to do what he is required under this Act to do, or does what he is prohibited under this Act from doing, commits an offence against this Act. Offences.

(2) A person who commits an offence against this Act is liable to the penalty expressly mentioned as the punishment for the offence, but where no penalty is expressly mentioned, is liable to a fine of one hundred pounds or imprisonment for six months, or both.

22. The Governor may make regulations, not inconsistent with this Act, prescribing all matters which by this Act are required or permitted to be prescribed, or which are necessary or convenient to be prescribed for carrying out or giving effect to this Act, and in particular for providing for penalties not exceeding a fine of one hundred pounds or imprisonment for six months, or both, for offences against the regulations. Regulations.

23. This Act does not apply in relation to wheat harvested after the thirtieth day of September, one thousand nine hundred and fifty-eight. Application  
of Act

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