

WHEAT MARKETING.

2° Elizabeth II., No. II.

No. 2 of 1953.

AN ACT to amend the Wheat Industry Stabilisation Act, 1948-1952.

[Assented to 27th October, 1953.]

BE 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. (1) This Act may be cited as the *Wheat Marketing Act, 1953*. Short title and citation.

(2) The Wheat Industry Stabilisation Act, 1948-1952,

Act No. 75 of 1948 as amended by Acts Nos. 49 of 1949 and 7 of 1952,

is referred to as the principal Act.

(3) The principal Act as amended by this Act may be cited as the *Wheat Marketing Act, 1948-1953*.

Long title
amended.

2. The long title of the principal Act is amended by substituting for the words, "Stabilisation of the Wheat Industry" the words, "orderly marketing of wheat".

Commence-
ment.

3. (1) This Act, the Wheat Marketing Act, 1953, of the State, shall come into operation on the day on which the Wheat Marketing Act, 1953, of the Commonwealth comes into operation.

(2) The amendments effected by paragraph (b) of section four and by section ten of this Act, the Wheat Marketing Act, 1953, of the State, do not apply in relation to wheat of the season that ended on the thirtieth day of September, one thousand nine hundred and fifty-three, or of any previous season.

(3) Where, before the coming into operation of this Act, the Wheat Marketing Act, 1953, of the State, wheat harvested after the thirtieth day of September, one thousand nine hundred and fifty-three, has been delivered or consigned to a person, firm, company or State authority who or which was, at the time of the delivery or consignment, a licensed receiver under the Wheat Industry Stabilisation Act, 1948-1952, of the State or under the Wheat Industry Stabilisation Act, 1948, of the Commonwealth, as in force at the time of the delivery or consignment, the wheat shall be deemed to have been delivered to the Australian Wheat Board in pursuance of that Wheat Industry Stabilisation Act, 1948-1952, of the State as amended by this Act, the Wheat Marketing Act, 1953, of the State.

S. 3
amended.

4. Section three of the principal Act is amended by—

- (a) adding after the word, "time" being the last word in the interpretation, "the Commonwealth Act" the words, "and if that Act is substituted by another Act means the Act by which it is substituted";
- (b) deleting the interpretation, "the guaranteed price"; and
- (c) deleting from the interpretation, "the State Board" the words, "Agency Board of the Australian" in line two.

5. Subsection (1) of section four of the principal Act is amended by deleting the words, "Agency Board of the Australian" in lines two and three. S. 4
amended.

6. Section five of the principal Act is amended by— S. 5
amended.

- (a) substituting for the word, "one" in line three of subsection (1) the word, "such";
- (b) substituting for the words, "a wheat grower" in lines three and four of subsection (1) the words, "wheat growers" as are necessary";
- (c) substituting for the words, "a member" in line five of subsection (1) the word, "members";
- (d) substituting for the words, "act, subject to the provisions of this Act, as agent for the Board" in lines one, two and three of subsection (2) the words, "discharge the functions conferred upon it by the provisions of this Act";
- (e) deleting the words, ", as agent of the Board," in line seven of subsection (2);
- (f) substituting for the word, "imposed" in line seven of subsection (2) the word, "conferred"; and
- (g) deleting the proviso.

7. Section seven of the principal Act is amended by— S. 7
amended.

- (a) deleting the words, "or otherwise acquire" in line one of paragraph (a);
- (b) adding after paragraph (a) the following paragraph:—
 - (aa) accept wheat delivered to it in pursuance of this Act;
- (c) substituting for the words, "purchased or otherwise acquired by" in line four of paragraph (b), the words, "the property of".

S. 9
amended.

8. Section nine of the principal Act is amended by—

- (a) substituting for the words, “subsection (3) of section twelve” in lines five and six of subsection (2) the words, “subsection (3) of section twelve A”;
- (b) adding after the word, “committed” in line two of the penalty provision at the end of the section the words, “as that value is certified by the Board on the basis of the Board’s prices for sales of wheat in the State at the time of the offence”

S. 11
amended.

9. Section eleven of the principal Act is amended by substituting for the words, “calculated on the basis of the guaranteed price” in lines two and three of the penalty provision the words, “as that value is certified by the Board on the basis of the Board’s prices for sales of wheat in the State at the time of the offence”.

S. 12 repealed
and
re-enacted
and ss. 12A-
12C added.

10. Section twelve of the principal Act is repealed and the following sections are inserted in its stead:—

Price to be
paid for
wheat.

12. (1) In this section, “the net proceeds” in relation to the disposal of wheat, means the net return from the disposal of the wheat after paying 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.

(2) In ascertaining under subsection (1) of this section the net proceeds of the disposal of wheat, no account shall be taken of moneys to which the provisions of section twelve C of this Act, or an Act of another State, apply, or of costs of the Board payable out of those moneys.

(3) 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 corn sacks by a licensed receiver under paragraph (b) of subsection (3) of section six 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.

(4) The Board shall determine amounts payable under subsection (3) 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 Minister administering the Commonwealth Act to have become available for export to places outside Australia;
- (c) ascertaining the share in the remaining amount of each person entitled to payment 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 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, 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 in the State of Western Australia, wheat of that season grown in that State, to the Board, an amount per bushel of that

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.

(5) 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.

(6) 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 Minister administering the Commonwealth Act, make from time to time such advance payments as it considers justified.

Payment by Board.

12A. (1) The amount payable under this Act in respect of any wheat shall be 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.

(2) The same rights, if any, shall exist against the person receiving an amount paid by the Board under this Act in respect of any wheat as would exist if the moneys so paid were the proceeds of a sale or purported sale of the wheat by him, and any such rights may be enforced by action in any court of competent jurisdiction.

(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 shall discharge the Board from any further liability in respect of those moneys.

Home consumption price of wheat.

12B. (1) In this section—

“the cost of production”, in relation to sales made in a year, means the amount notified to the Board by the Minister administering the Commonwealth Act

after consultation with the appropriate Ministers of each State as being the cost per bushel of the production in Australia of wheat of the season which is current at the beginning of that year, being an amount ascertained by the Commonwealth Minister by taking as a basis the sum of eleven shillings and eleven pence as the cost per bushel of the production in Australia of wheat of the season that ended on the thirtieth day of September, one thousand nine hundred and fifty-three, and making such variation as he considers necessary by reason of variations in the cost of production of wheat affecting wheat of the firstmentioned season;

“the International Wheat Agreement” means the Agreement Revising and Renewing the International Wheat Agreement, signed on behalf of Australia at Washington in the United States of America on the twentieth day of April, one thousand nine hundred and fifty-three, in accordance with Article XX. of the firstmentioned agreement;

“the International Wheat Agreement price”, in relation to sales made in a year, means the price which the Minister administering the Commonwealth Act certifies to the Board to be the price which he is satisfied was the price, expressed in Australian currency, per bushel prevailing at the end of the next preceding year for sales by the Board under the International Wheat Agreement of bulk wheat of fair average quality f.o.r. ports;

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

(2) The price at which the Board shall, in the State, sell wheat, otherwise than for export from Australia or for the manufacture of goods for export from Australia, during a year shall be the appropriate price ascertained in accordance with this section.

(3) Subject to this section, the price, in the case of wholesale sales of bulk wheat of fair average quality f.o.r. ports, shall be the International Wheat Agreement price, or fourteen shillings per bushel, whichever is the lower.

(4) If the price applicable under subsection (3) of this section is less than the cost of production, the price, in the case of sales to which that subsection applies, shall, subject to subsection (5) of this section be an amount per bushel equal to the cost of production.

(5) The price applicable under subsections (3) or (4) of this section shall be increased by an amount of not more than two pence per bushel as a contribution towards reimbursement of the Board for the costs of shipment of wheat to Tasmania.

(6) If the Board reports to the Minister administering the Commonwealth Act that the amounts being received by the Board by reason of the operation of subsection (5) of this section, together with the amounts being received under corresponding provisions of the Commonwealth Act and of 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, that 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, and the Board shall give effect to his direction.

(7) The price, in the case of sales other than sales 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 which makes a proper allowance for the quality of the wheat, the conditions of sale and the place of delivery.

12C. (1) Notwithstanding anything contained in 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 subsection (5) of section twelve B 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
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 moneys 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 moneys derived by it from the sale of wheat delivered to it in pursuance of this Act.

(4) Any moneys referred to in subsection (1) of this section which remain 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 Minister administering the Commonwealth Act, after consultation with the appropriate Minister of each State, directs.

12D. Notwithstanding the repeal by the Wheat Marketing Act, 1953, of the State, of section twelve of the Wheat Industry Stabilisation Act, 1948-1952, of the State, the prices applicable under that repealed section immediately before the coming into operation of the Wheat Marketing Act, 1953, of the State, continue to be applicable to sales necessary for compliance by the Commonwealth with its

Use of funds
by Board.

obligations under the International Wheat Agreement, approval to the acceptance of which was given by the International Wheat Agreement Act, 1949, of the Commonwealth Parliament.

S. 17 repealed and re-enacted.

11. Section seventeen of the principal Act is repealed and the following section is enacted in its stead:—

Ballot as to continuance, or discontinuance of marketing under this Act.
Cf. No. 49 of 1947, s. 42.

17. (1) The Minister shall arrange for a ballot to be held not later than the thirtieth day of June, one thousand nine hundred and fifty-six, on the question,

whether marketing should continue under the provisions of this Act.

(2) The Chief Electoral Officer for the State appointed under the Electoral Act, 1907, shall conduct the ballot.

(3) Co-operative Bulk Handling Limited shall at a reasonable cost furnish the Minister or his nominee with a list of the names of growers recorded in the register current at the time of the ballot and whose names are so recorded under the provisions of subsection (3) of section twenty-six A of the Bulk Handling Act, 1930.

(4) Only those persons whose names are at the time of the ballot so recorded shall be entitled to vote at the ballot.

(5) The ballot shall be conducted by post.

(6) A person who is entitled to vote may cast only one vote.

(7) The Minister shall cause public notice of the result of the ballot to be given.

(8) The Governor may make regulations prescribing all matters necessary or convenient to be prescribed in connection with the ballot.

S. 20 amended.

12. Section twenty of the principal Act is amended by substituting for the word, "fifty-three" being the last word in the section the word, "fifty-six".