

# WHEAT INDUSTRY STABILISATION.

10° and 11° GEO. VI., No. LXV.

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No. 65 of 1946.

AN ACT relating to the stabilisation of the Wheat Industry and to provide for the control of production of wheat.

[Assented to 24th January, 1947.]

BE it enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and 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, 1946*.

2. (1) The provisions of this Act, other than this section shall not come into operation until the Government has thoroughly examined the effect—

- (a) of the most recent Federal wheat legislation including the imposition of retrospective Federal taxation on the proceeds of the 1945-1946 crop;
- (b) of the possibility of the creation of a Western Australian pool as part of a national stabilisation scheme and has after inquiry determined

that the proposal contained in the Bill is in the best interests of the wheatgrowers of Western Australia;

and unless a proclamation is made by the Governor fixing a day on which the Act shall come into operation.

(2) The Governor shall not make such a proclamation unless a ballot of wheatgrowers has been first held on the question whether this Act shall be brought into operation or not, and an absolute majority of wheat growers entitled to vote at such ballot as hereinafter provided shall have validly voted at the ballot in favour of bringing this Act into operation.

(3) The Chief Electoral Officer for the State appointed under the Electoral Act, 1907-1940, shall conduct a ballot such as mentioned in subsection (2) of this section, as soon after this Act receives the Royal Assent as he can conveniently do so.

(4) At the ballot every person who, under the National Security (Wheat Industry Stabilisation) Regulations of the Commonwealth, held a wheatgrower's license expiring on the first day of March, nineteen hundred and forty-six, or the first day of March, nineteen hundred and forty-seven, shall be entitled to vote.

(5) The Minister for Agriculture shall prepare and supply to the Returning Officer for the State a list containing the names of all persons entitled to vote as provided in subsection (4) of this section.

The persons whose names appear on the said list and no others shall be entitled to vote at the ballot.

(6) The ballot shall be conducted by postal voting.

(7) The ballot paper to be used for taking the ballot on the question referred to in subsection (2) of this section shall be in accordance with Form "A" in the Schedule to this Act.

(8) Every person voting shall mark his vote on the ballot paper by placing the numeral 1 opposite his answer to the question thereon.

(9) The Primary Producers Association of Western Australia (Inc.) and The Wheat and Woolgrowers Union of Western Australia (Inc.) shall each be entitled to appoint one person to act as scrutineer at each place where the scrutiny of votes is conducted. Notice of the

times and places where the scrutiny of votes is to be conducted shall be given to each of such Associations before the scrutiny of the votes is commenced.

(10) Subject to this Act and the regulations the ballot shall be conducted in such manner as the Chief Electoral Officer for the State deems proper.

(11) The Governor may make regulations prescribing any matters necessary or convenient to be prescribed in connection with the ballot to be held under this section.

3. In this Act, unless inconsistent with the context or subject matter— Definitions.

“licensed receiver” means a person licensed by the Board in pursuance of this Act to receive wheat on behalf of the Board;

“registered farm” means a wheat farm or temporary wheat farm registered under this Act;

“temporary wheat farm” means any farm (not being a wheat farm) on which wheat is, under this Act, permitted to be grown;

“The Committee” means the Wheat Industry Stabilisation Committee established by this Act;

“The Commonwealth Act” means the Wheat Industry Stabilisation Act, 1946, of the Commonwealth and, if that Act is amended, includes that Act as amended from time to time;

“the Board” means the Australian Wheat Board constituted by the Commonwealth Act;

“the Stabilisation Board” means the Wheat Industry Stabilisation Board constituted by the Commonwealth Act;

“the Territories” means territories under the authority of the Commonwealth which form part of the Commonwealth;

“wheat farm” means a farm on which, at any time during the period commencing on the first day of October, One thousand nine hundred and thirty-eight and terminating on the first day of April, One thousand nine hundred and forty-one, wheat has been harvested as grain, and includes any farm—

(a) which the Committee is satisfied was, prior to the first day of January, One thousand nine hundred and forty-one, pre-

pared or fallowed for the purpose of sowing wheat for grain thereon during the year commencing on that date; or

- (b) concerning which the Committee is satisfied that special circumstances exist which make it just that the farm should be treated as being a wheat farm within the meaning of this definition, whether or not wheat has been previously grown thereon;

but does not include any land in respect of which the Government of the State, in pursuance of any scheme to prevent the production of wheat on unsuitable land, or on land in unsuitable districts, has caused the cessation of the production of wheat;

“wheat-grower” means a person licensed under this Act to grow wheat.

Licensed  
receivers.

4. (1) Subject to this section the Board may license any person, firm, company or State authority to receive wheat on behalf of the Board and may cancel or suspend any such license.

(2) An authority acting under any other Act as a receiver of wheat shall be entitled to a license under this section to receive wheat to the extent provided by that Act.

Powers of  
Board.

5. The Board may—

- (a) purchase or otherwise acquire any wheat, wheat products, corn sacks, jute or jute products;
- (b) sell or dispose of any wheat, wheat products, corn sacks, jute or jute products purchased or acquired by the Board;
- (c) grist or arrange for the gristing of any wheat and sell or otherwise dispose of the products of the gristing;
- (d) manage and control all matters connected with the handling, storage, protection, treatment, transfer or shipment of any wheat or wheat products purchased or acquired by the Board or of any wheat or wheat products sold or disposed of by the Board; and

- (e) do all matters which it is required by this Act to do or which are necessary or convenient to be done by the Board for giving effect to this Act.
- (f) The Board shall issue to all who deliver wheat a participation certificate for the quantity of wheat delivered.

6. (1) Subject to this section a person who owns wheat— Sale of wheat.

- (a) shall sell and deliver that wheat to the Board;
- (b) shall not sell or deliver that wheat to any person other than the Board.

(2) Delivery of wheat to a licensed receiver shall, for the purposes of this section be deemed to be delivery to the Board.

(3) Nothing in this section shall apply to—

- (a) wheat retained by the grower for use on the farm where it is grown;
- (b) wheat which has already been purchased from the Board;
- (c) wheat sold or delivered to any person with the approval of the Board; or
- (d) wheat the subject of trade, commerce or intercourse between States or required or intended by the owners thereof for the purpose of trade, commerce or intercourse between the States.

7. (1) Any person who is required to sell wheat to the Board or any person who is desirous of selling wheat to the Board may deliver or consign that wheat to any licensed receiver. Delivery of wheat.

(2) Any delivery or consignment of wheat in pursuance of the last preceding subsection shall be made in the name of the person in whose possession, control or disposal the wheat is at the time of the delivery or consignment.

8. Except as provided in the last preceding section, or with the consent of the Board, a person shall not— Unauthorised dealings with wheat.

- (a) part with the possession of any wheat the property of the Board which is held in his possession;

- (b) take into his possession any wheat which is the property of the Board other than wheat which he purchases from the Board; or
- (c) purport to sell or offer for sale, or purport to purchase or offer to purchase (otherwise than from the Board), any wheat which is the property of the Board.

Penalty—Thrice the value of the wheat in respect of which the offence is committed or imprisonment for six months, or both.

Price to be paid for wheat.

9. The price which shall be paid by the Board in respect of wheat delivered to it under this Act shall be such as is determined in accordance with the Commonwealth Act. Subject however to the provisions of subsection 31 of section 51 of the Commonwealth of Australia Constitution Act.

Licensed receiver to hold wheat.

10. A licensed receiver shall hold, on behalf of the Board, all wheat the property of the Board which is at any time in his possession and shall not part with the possession of any such wheat except in accordance with instructions from the Board or from the Chairman of a Committee authorised in that behalf by the Board.

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

11. (1) Any person who after the prescribed date consigns or delivers to a licensed receiver any wheat harvested prior to the prescribed date shall make and forward to the licensed receiver a declaration correctly stating the season during which that wheat was harvested.

(2) For the purposes of this section "the prescribed date" means the date which, in respect of each season, is declared under the Commonwealth Act by notice published in the *Commonwealth Gazette* to be the final date of that season.

Inspection of stocks, books, etc.

12. (1) For the purposes of this Act, any person thereto authorised in writing by the Board may, at all reasonable times, enter any premises and inspect any stocks of wheat, wheat products or corn sacks and any accounts, books, and documents relating to any wheat, wheat products or corn sacks.

(2) Any person who hinders or prevents any entry or inspection by any person duly authorised under this section shall be guilty of an offence.

13. Any person having any 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 any damage or deterioration whatsoever.

Proper care  
to be taken  
of wheat  
owned by  
Board.

14. (1) For the purposes of this Act there shall be a Wheat Industry Stabilisation Committee.

Wheat  
Industry  
Stabilisation  
Committee.

(2) The Committee shall consist of such persons as are appointed by the Minister by notice published in the *Gazette* to be members of the Committee.

(3) The members of the Committee shall hold office during the pleasure of the Minister.

(4) The Minister shall appoint one of the members to be the Chairman of the Committee.

(5) In the absence of the Chairman of the Committee, the members present at any meeting may elect one of their number to preside at that meeting.

(6) At any meeting of the Committee, a majority of the members shall form a quorum.

(7) All questions before the Committee shall be decided by a majority of votes and, in the event of the voting being equal on any question, the question shall be postponed for consideration at the next meeting of the Committee at which all the members are present.

15. There shall be payable to any member of the Committee such salaries, fees and expenses as the Governor directs.

Fees and  
expenses.  
Duties of  
Committee.

16. The Committee shall—

- (a) advise the Minister on such matters connected with the stabilisation and control of the wheat industry as the Minister directs;
- (b) subject to any direction of the Minister, organise and control the registration of wheat farms and the licensing of persons to grow wheat under this Act, and, for those purposes, the Committee may appoint such advisory committees to assist it as it thinks fit;

- (c) co-operate with the Stabilisation Board to secure uniformity of administration by the Commonwealth and the States in relation to the stabilisation of the wheat industry; and
- (d) have such other powers and functions as are prescribed or as the Minister thinks fit but shall exercise those powers and functions subject to any directions of the Minister.

Registration  
of wheat  
farms and  
temporary  
wheat farms.

17. (1) Any person may make application to the Committee, in accordance with the prescribed form, for the registration of a wheat farm or temporary wheat farm under this Act.

(2) The Committee shall consider every such application and, subject to any direction of the Minister but otherwise in its discretion, may register any such wheat farm or temporary wheat farm.

(3) Where registration of a wheat farm or temporary wheat farm has been granted under the National Security (Wheat Industry Stabilisation) Regulations of the Commonwealth and that registration is uncanceled, that wheat farm or temporary wheat farm shall be deemed to be registered under this Act.

(4) The Minister or the Committee may at any time cancel the registration of any wheat farm or temporary wheat farm.

18. This Act shall have no application to any wheat harvested prior to the thirtieth day of April, one thousand nine hundred and forty-seven.

Registration  
of wheat-  
growers.

19. (1) Any person may make application to the Committee in accordance with the prescribed form, to be licensed as a wheat-grower.

(2) The Committee shall consider every such application and, subject to any direction of the Minister but otherwise in its discretion, may license the applicant as a wheat-grower.

(3) The following shall be conditions of every license granted under this Act:—

- (a) that the wheat-grower will not sow with wheat a greater number of acres of land than the Committee determines;

(b) that a wheat-grower who sows with wheat a greater number of acres than he is permitted to sow in pursuance of his license shall before the ear develops beyond the milky stage deal with the crop on an area equivalent to the excess acreage in such manner as the Committee determines;

(c) such other conditions as are prescribed.

(4) A license under this section shall, unless sooner cancelled by the Committee, continue in force until the first day of March next following the granting of the license.

(5) A license under this section shall be in respect of a registered farm, and, if that farm ceases to be registered, the license shall thereupon, by force of this section, be cancelled.

(6) A person who is licensed under the National Security (Wheat Industry Stabilisation) Regulations of the Commonwealth as a wheat-grower in respect of the 1946-47 wheat season shall be deemed to be licensed under this Act as a wheat-grower in respect of that season subject to the like conditions as those applicable to him under those Regulations.

20. Nothing in this Act contained shall deprive a wheatgrower of any of his rights, title, interest or remedies in respect of any of his wheat which the Commonwealth, or any agency or instrumentality of the Commonwealth shall have acquired or purported to have acquired, or had power to acquire, prior to the passing of this Act.

21. A person shall not make a false statement in any application made under this Act.

False  
statements in  
applications.

22. (1) A wheat-grower shall not—

Offences.

(a) harvest wheat for grain otherwise than from the registered farm in respect of which he is licensed; or

(b) contravene or fail to comply with any condition of his license.

(2) A person, not being a wheat-grower, shall not harvest any wheat for grain in excess of ten acres.

(b) that a wheat-grower who sows with wheat a greater number of acres than he is permitted to sow in pursuance of his license shall before the ear develops beyond the milky stage deal with the crop on an area equivalent to the excess acreage in such manner as the Committee determines;

(c) such other conditions as are prescribed.

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