

WHEAT INDUSTRY STABILIZATION.

No. 106 of 1978.

**AN ACT to amend the Wheat Industry Stabilization
Act, 1974.**

[Assented to 30th November, 1978.]

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 Industry Stabilization Act Amendment Act, 1978.*

Short title
and citation.

(2) In this Act the Wheat Industry Stabilization Act, 1974 is referred to as the principal Act.

Act No. 66
of 1974.

(3) The principal Act as amended by this Act may be cited as the Wheat Industry Stabilization Act, 1974-1978.

Section 5
amended.

2. Section 5 of the principal Act is amended—

(a) by deleting the interpretation “licensed receiver” and inserting in lieu thereof an interpretation as follows—

“licensed receiver” means a State corporation licensed by the Board to receive wheat on behalf of the Board; ; and

(b) by inserting after the interpretation “section” an interpretation as follows—

“State corporation” means any of the following bodies corporate—

- (a) The Grain Elevators Board of New South Wales constituted under the Grain Elevators Act, 1954, as amended, of New South Wales;
- (b) the Grain Elevators Board incorporated by the Grain Elevators Act 1934, as amended, of Victoria and constituted under the Grain Elevators Act 1958, as amended, of that State;
- (c) the State Wheat Board constituted under The Wheat Pool Act of 1920, as amended, of Queensland;
- (d) South Australian Co-operative Bulk Handling Limited incorporated and registered under the Companies Act, 1962, as amended, of South Australia;

(e) Co-operative Bulk Handling Limited incorporated and deemed to be registered under the Companies (Co-operative) Act, 1943, as amended, of Western Australia;

(f) the Tasmanian Grain Elevators Board constituted under the Grain Reserve Act 1950, as amended, of Tasmania; .

3. Section 8 of the principal Act is amended by repealing subsection (19). Section 8 amended.

4. Section 11 of the principal Act is amended— Section 11 amended.

(a) as to subsection (1), by deleting the passage “person, firm, company or authority of the State”, in lines three and four, and inserting in lieu thereof the words “State corporation”;

(b) by repealing subsection (2); and

(c) by inserting subsections as follows—

(4) A licensed receiver may carry on operations as such a receiver by means of, and on the premises of, an agent of the licensed receiver, being such an agent approved by the Board.

(5) A licensed receiver may enter into agreements with the Board for the purposes of section 40 of the Commonwealth Act.

(6) Notwithstanding the provisions of subsection (1) of this section as amended by the Wheat Industry Stabilization Act Amendment Act, 1978, a licence in force

under the provisions of that subsection immediately before the coming into operation of that Act continues to be in force under that subsection as amended by that Act.

(7) Where a licence continued in force by subsection (6) of this section is held by a State corporation that licence shall not be cancelled or suspended without the consent of the State corporation. .

Section 15
amended.

5. Section 15 of the principal Act is amended—

(a) as to subsection (2)—

(i) by deleting paragraph (b) and inserting in lieu thereof a paragraph as follows—

(b) deducting from the amount so ascertained an amount determined by the Board having regard to the extent to which freight charges per tonne in respect of the export of wheat of that season from the State of Western Australia to places outside Australia are lower than freight charges per tonne in respect of the export of wheat of that season from other places in Australia to places outside Australia; ;
and

(ii) by deleting paragraph (c) and inserting in lieu thereof a paragraph as follows—

(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 wheat of that season to the Board in Australia (whether in pursuance of this Act or otherwise) on the basis of the quantity of wheat so delivered by each such person, with proper allowance, where appropriate, in respect of each such person in relation to the wheat so delivered by him, for—

- (i) the quality of that wheat;
- (ii) where that wheat is not wheat delivered in Victoria or this State and is wheat of a prescribed class—the characteristics of the variety or varieties of wheat included in that class and the place at which that wheat was delivered to the Board;
- (iii) charges by the Board in respect of the cost to the Board of remuneration payable under section 40 of the Commonwealth Act to the licensed receiver to whom that wheat was delivered;
- (iv) charges by the Board in respect of costs of the transport of that wheat to a terminal port from the place at which that

wheat was delivered to the Board;

- (v) where that wheat was delivered to the Board in corn sacks—the corn sacks in which that wheat was so delivered and any additional costs incurred by the Board in the handling and storage of that wheat; and
- (vi) other necessary adjustments; ;

and

(b) by inserting subsections as follows—

(2a) In subparagraph (ii) of paragraph (c) of subsection (2) of this section “prescribed class”, in relation to wheat means—

- (a) where the wheat is delivered in a Territory within the meaning of the Commonwealth Act—a class of wheat determined by the Board; or
- (b) in any other case—a class of wheat determined by the appropriate Minister of the State in which the wheat is delivered,

being a class determined by reference to the variety or varieties of the wheat, whether or not it is also determined by reference to another criterion or other criteria.

1978.]

Wheat Industry Stabilization. [No. 106.

(2b) The provisions of subsections (2) and (2a) of this section including amendments made by the Wheat Industry Stabilization Act Amendment Act, 1978 apply in relation to the wheat of the season that commenced on the first day of October, 1978 and the wheat of every season thereafter, but in relation to the wheat of any other season the provisions of subsection (2) of this section apply as if those amendments had not been made. .
