

2 ELIZ. II. No. 9, 1954. *Wheat Marketing (Amendment) Act.*

SCHEDULE.

[Section 2.]

Year and Number of Act.	Short Title.	Extent of Repeal.
31 Vic. No. 6 ..	" <i>Acts Shortening Act of 1867</i> "	The whole
3 Edw. VII. No. 10	" <i>The Acts Shortening Act Amendment Act of 1903</i> "	Sections two to seven (both inclusive)
26 Geo. V. No. 28 ..	" <i>The Cremation Act Amendment Act of 1935</i> "	Section eight
1 Geo. VI. No. 11	" <i>The Acts Shortening Acts Amendment Act of 1937</i> "	The whole

AGRICULTURE.

An Act to Amend "The Wheat Industry Stabilisation Acts, 1948 to 1951," in certain particulars.

2 ELIZ. II.
No. 9.
THE WHEAT
MARKETING
(AMEND-
MENT) ACT
OF 1953.

[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 Assembly of Queensland in Parliament assembled, and by the authority of the same, as follows:—

1. This Act may be cited as "*The Wheat Marketing (Amendment) Act of 1953*," and shall be read as one with *"*The Wheat Industry Stabilisation Acts, 1948 to 1951*," herein referred to as the Principal Act.

The Principal Act and this Act may be collectively cited as "*The Wheat Marketing Acts, 1948 to 1953*."

†2. (1.) This Act shall come into operation upon a date (not earlier than the date of the coming into operation of the ‡*Wheat Marketing Act 1953* of the Commonwealth) to be fixed by the Governor in Council by Proclamation published in the *Gazette*.

* 13 G. 6 No. 9 and amending Act.

† Commenced 31 Oct. 1953 (Proc. pubd. Gaz., 21 Nov. 1953, p. 1486).

‡ No. 49 of 1953 of the Commonwealth.

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The Proclamation, if published in the *Gazette* later than the date when the **Wheat Marketing Act 1953* of the Commonwealth came into operation, may fix retrospectively the date of the coming into operation of this Act.

(2.) The amendments effected by sections five and nine of this Act 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 date of the coming into operation of this Act, wheat harvested after the thirtieth day of September, one thousand nine hundred and fifty-three, was 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 Principal Act 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 the Principal Act as amended by this Act.

Amendment
of long title.

3. The long title of the Principal Act is amended by repealing the words "*Stabilisation of the Wheat Industry*" and by inserting, in lieu of those repealed words, the words "*Marketing of Wheat*".

Amendment
of s. 1 (1).

4. Subsection one of section one of the Principal Act is amended by repealing the words "*Industry Stabilisation*" and by inserting, in lieu of those repealed words, the word "*Marketing*".

Amendments
of s. 4.

5. Section four of the Principal Act is amended—

(a) By repealing in the definition of the term "the Commonwealth Act" the words and figures † "*Wheat Industry Stabilisation Act 1948*" and by inserting, in lieu of those repealed words and figures, the words and figures ‡ "*Wheat Marketing Act 1948-1953*"; and

(b) By repealing the definition of the term "the guaranteed price".

Amendments
of s. 7.

6. Section seven of the Principal Act is amended—

(a) By repealing in paragraph (a) thereof the words "or otherwise acquire";

* No. 49 of 1953 of the Commonwealth.

† No. 48 of 1948 of the Commonwealth.

‡ No. 48 of 1948 and amending Acts of the Commonwealth.

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(b) By inserting after paragraph (a) thereof, the following paragraph, namely :—

“(aa) Accept wheat delivered to it in pursuance of this Act ;” ; and

(c) By repealing in paragraph (b) thereof the words “purchased or otherwise acquired by” and by inserting, in lieu of those repealed words, the words “the property of”.

7. Section nine of the Principal Act is amended Amendment of s. 9. by repealing in subsection five thereof the words “calculated on the basis of the guaranteed price” and by inserting, in lieu of those repealed words, the words and brackets “(as 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)”.

8. Section eleven of the Principal Act is amended Amendment of s. 11. by repealing the words “calculated on the basis of the guaranteed price” and by inserting, in lieu of those repealed words, the words and brackets “(as 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)”.

9. Section twelve of the Principal Act is repealed Repeal of s. 12, and new ss. 12 and 12A. and, in lieu of that repealed section, the following sections are inserted, namely :—

“[12.] (1.) Where wheat is delivered to the Board Price to be paid for wheat. 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.

(2.) The Board shall determine amounts payable under subsection one 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 to the Board in Australia (whether in pursuance of this Act or otherwise) ;
- (b) Deducting from the amount so ascertained an amount calculated at the rate of threepence 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 to have become available for export to places outside 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 wheat of that season to the Board in Australia (whether in pursuance of this Act or otherwise) 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.

In making, for the purposes of paragraph (c) of this subsection, proper allowance for differences in the quality of wheat, the Board shall have regard to the system of wheat classification adopted under **“The Wheat Pool Acts, 1920 to 1930.”*

(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 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.

(5.) 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).

* 11 G. 5 No. 4 and amending Acts.

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(6.) In ascertaining under subsection five of this section the net proceeds of the disposal of wheat no account shall be taken of moneys to which section 17A of this Act, or the corresponding provision in the Commonwealth Act or an Act of another State, applies, or of costs of the Board payable out of those moneys.

[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. Payments by the Board for wheat.

(2.) The provisions of **“The Wheat Pool Acts, 1920 to 1930,”* and of the regulations thereunder (and to the extent to which the provisions of †*“The Primary Producers’ Organisation and Marketing Acts, 1926 to 1951,”* and of the regulations thereunder relate to the State Board and to wheat or to either, such provisions) shall apply as respects any amount paid by the Board to the State Board under this Act to the same extent as those provisions would apply if that amount were moneys received by the State Board in payment for wheat sold by the State Board on behalf of the owners thereof.

(3.) The same rights (if any) shall exist against the State Board or 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 the State Board or, as the case may be, that person, and any such rights may be enforced by action in any court of competent jurisdiction.

(4.) Payment in good faith by the Board of any moneys payable under this Act to the State Board or 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.”

10. Section seventeen of the Principal Act is repealed and, in lieu of that repealed section, the following sections are inserted, namely:— Repeal of s. 17, and new ss. 17, 17A, and 17B.

“[17.] (1.) The price at which the Board shall, in Queensland, 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. Home consumption price of wheat.

* 11 G. 5 No. 4 and amending Acts.

† 17 G. 5 No. 20 and amending Acts.

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(2.) Subject to this section, the price in respect of wholesale sales of bulk wheat of fair average quality free on rails at ports shall be—

(a) The International Wheat Agreement price or, if at the beginning of the year, the International Wheat Agreement is not in operation or Australia has not accepted that Agreement, export parity; or

(b) Fourteen shillings per bushel, whichever is the lower.

(3.) If the price applicable under subsection two 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 subsections four and five of this section, be an amount per bushel equal to the cost of production.

(4.) The price applicable under either subsection two or subsection three of this section shall be increased by an amount of one penny half penny per bushel as a contribution towards the reimbursement of the Board for the costs of shipment of wheat by the Board to Tasmania.

(5.) 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 four of this section, together with 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.

(6.) The price, in the case of sales other than sales specified in subsection two 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.

(7.) In this section—

“export parity”, 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

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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 ;

“ 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 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, after consultation with the appropriate Minister of each State, 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 the production of wheat affecting wheat of the firstmentioned season ;

“ 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 immediately before the commencement of that year for sales by the Board under the International Wheat Agreement of bulk wheat of fair average quality free on rails at the ports of export ;

“ 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.

[17A.] (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

Special
account for
freight to
Tasmania.

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Board by reason of the operation of subsections four and five of section seventeen of this Act, and of payments made out of those moneys, and shall not apply those moneys except in accordance with this section.

(2.) The Board may combine the account required to be kept under the last preceding subsection 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 one of this section in meeting the costs of shipment of wheat by the Board to Tasmania, 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 one 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.

Use of funds
by Board.

[17B.] 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 moneys 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."

Amendment
of s. 20.

11. Section twenty of the Principal Act is amended by repealing the word "fifty-three" and by inserting, in lieu of that repealed word, the word "fifty-six".

Saving.

12. Notwithstanding the repeal of section seventeen of the Principal Act by this Act, the prices applicable under that section immediately before the date of the coming into operation of this Act, shall continue to be applicable to sales made before the first day of December, one thousand nine hundred and fifty-three.

ALLOWANCES, STATUTORY.

See PUBLIC SERVICE.