



ANNO DUODECIMO

GEORGI VI REGIS.

A.D. 1948.

No. 27 of 1948.

An Act relating to the stabilization of the wheat industry and for other purposes.

[Assented to 2nd December, 1948.]

BE IT ENACTED by the Governor of the State of South Australia, with the advice and consent of the Parliament thereof, as follows :

1. (1) This Act may be cited as the "Wheat Industry Stabilization Act, 1948". Short title and commencement.

(2) Subject to the next succeeding subsection, this Act shall be deemed to have come into operation on the day on which the Commonwealth Act received the Royal Assent.

(3) An act or omission which occurred before the date on which this Act received the Royal Assent shall not be deemed to have been an offence against this Act.

2. In this Act, unless the context otherwise requires— Interpretation.

"the board" means the Australian Wheat Board constituted by the Commonwealth Act :

"the Commonwealth Act" means the Wheat Industry Stabilization Act, 1948, of the Commonwealth of Australia, and, if that Act is amended, includes that Act as amended from time to time :

"licensed receiver" means a person or authority licensed by the board to receive wheat on behalf of the board :

"the guaranteed price" in relation to wheat of any season, means the guaranteed price in relation to wheat of that season ascertained in accordance with the Commonwealth Act :

“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 :

Licensed
receivers.

3. Subject to this section, the board may license, subject to such conditions as are specified in the licence, any person, or authority to receive wheat on behalf of the board, and may cancel or suspend any such licence.

Powers of
board.

4. The board may, subject to the directions of the Minister administering the Commonwealth Act—

- (a) purchase or otherwise acquire any wheat, wheaten flour, semolina, corn sacks, jute or jute products ;
- (b) sell or dispose of any wheat, wheaten flour, semolina, corn sacks, jute or jute products purchased or otherwise 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 other things purchased or otherwise acquired by the board or 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.

Existing
board to act
until board
constituted.

5. (1) The board shall commence to perform its functions under this Act on the day fixed under the Commonwealth Act as the day on which the board shall commence to perform its functions under that Act.

(2) Until the day so fixed, the Australian Wheat Board constituted under the National Security (Wheat Acquisition) Regulations of the Commonwealth shall have all the functions of the board under this Act, and any reference in this Act to the board shall be read as a reference to the board constituted under those regulations.

(3) For the purposes of the assumption by the board of its functions under this Act, upon the cessation of their temporary performance and exercise by the Australian Wheat Board established by the National Security (Wheat Acquisition) Regulations, on and after the day referred to in subsection (1) of this section—

- (a) all things previously done under this Act by or in relation to the Australian Wheat Board so established shall, for the purposes of this Act, be deemed to have been done by or in relation to the board ;
- (b) all property, rights, obligations and liabilities which, immediately prior to that day, were, by or in pursuance of this Act, vested in, or imposed on, the Australian Wheat Board so established shall, by force of this Act, be vested in or imposed on the board ;
- (c) all legal proceedings instituted, in relation to this Act, by or against the Australian Wheat Board so established and pending or incomplete immediately prior to that day may be continued or completed by or against the board, and the board shall be deemed to be substituted for the Australian Wheat Board so established as a party to those proceedings ; and
- (d) in any contract, agreement or other instrument, arising out of the operation of this Act, to which the Australian Wheat Board so established was a party, any reference to that board shall be read as a reference to the board.

6. (1) Subject to this section, 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 by or on behalf of the board.

(2) Upon delivery of wheat to the board under this section, the wheat shall become 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 shall apply to—

- (a) wheat harvested in any season prior to the 1948-49 season ;

- (b) wheat retained by the grower for use on the farm where it is grown ;
- (c) wheat which has been sold by the board ;
- (d) wheat sold or delivered to any person with the approval of the board ; or
- (e) 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 States.

(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, or imprisonment for six months or both.

Delivery to
licensed
receiver.

7. (1) Delivery of wheat to the board may be made by delivering or consigning the wheat to a 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 any interest in the wheat or in the payment to be made therefor, and all particulars known to him of those interests.

(3) Delivery or consignment, before the date on which this Act received the Royal Assent, to a person, firm, company or State authority who or which was, at the time of delivery or consignment, a licensed receiver under the Commonwealth Act, of wheat other than wheat specified in subsection (4) of section 6 of this Act, shall be deemed to have been delivery of that wheat to the board in pursuance of this Act.

Unauthorized
dealings with
wheat.

8. Except as provided in the last two preceding sections, 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 6 of this Act ;
- (b) part with the possession of, or take into his possession, any wheat which 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), 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.

9. (1) The board shall pay, in the manner and to the persons provided in the Commonwealth Act, for wheat delivered to it under this Act, the amount determined in accordance with the Commonwealth Act.

Price to be paid for wheat.

(2) The same rights (if any) shall exist against the person receiving an amount paid by the board in accordance with 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 in accordance with 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.

10. (1) A person who, after the latest prescribed date, delivers to a licensed receiver any wheat harvested prior to the latest prescribed date shall make and forward to the licensed receiver a declaration correctly stating the season during which that wheat was harvested.

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

(2) For the purposes of this section "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.

11. (1) A person who is authorized by the board or the chairman of the board to act under this section may—

Entry of premises, seizure of wheat, etc.

(a) at all reasonable times, enter any premises and inspect any stock of wheat or corn sacks, and any accounts, books and documents relating to any wheat or corn sacks ; and

(b) take possession of and remove any wheat which is the property of the board, or the delivery of which has been lawfully demanded by the board, or any corn sacks which are the property of the board.

(2) A person shall not hinder or obstruct any person in the exercise of powers under this section.

(3) Any 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 any person for any offence, be deemed to be delivered to the board under this Act.

Board may
require returns.

12. (1) For the purposes of this Act the board may, by notice in writing served on the person to whom it is addressed either—

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

Proper care to
be taken of
wheat owned
by board.

13. A 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.

Home
consumption
price of
wheat.

14. The price at which the board shall sell wheat in the State (otherwise than for export from Australia or for the manufacture of goods for export from Australia) during the period of twelve months commencing on the first day of December in any year shall be—

(a) in the case of wholesale sales of bulk wheat of fair average quality f.o.r. ports—the guaranteed price applicable to wheat of the season which commenced on the first day of October next preceding that first day of December ; and

(b) in the case of any other sale—a price to be ascertained by adding to, or deducting from, that guaranteed price an amount which makes proper allowance for the quality of the wheat, the conditions of sale or the place of delivery.

Penalties.

15. (1) Any person who contravenes, or fails to comply with, any provision of this Act for which no other penalty is provided

shall be guilty of an offence and shall be liable to a fine not exceeding one hundred pounds or imprisonment for six months, or both.

(2) An offence against this Act may be prosecuted summarily.

16. The Governor may make regulations not inconsistent with this Act prescribing all matters which, by the 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. Regulations.

17. Unless Parliament otherwise provides, this Act shall not apply in relation to wheat harvested after the thirtieth day of September, one thousand nine hundred and fifty-three. Application of Act.

In the name and on behalf of His Majesty, I hereby assent to this Bill.

C. W. M. NORRIE, Governor.