



ANNO VICESIMO OCTAVO

ELIZABETHAE II REGINAE

A.D. 1979

No. 40 of 1979

**An Act to amend the Wheat Industry Stabilization Act,
1974-1975.**

[Assented to 15th March, 1979]

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

Short titles.

1. (1) This Act may be cited as the "Wheat Industry Stabilization Act Amendment Act, 1979".

(2) The Wheat Industry Stabilization Act, 1974-1975, is hereinafter referred to as "the principal Act".

(3) The principal Act, as amended by this Act, may be cited as the "Wheat Industry Stabilization Act, 1974-1979".

Commence-
ment.

2. This Act shall come into operation on a day to be fixed by proclamation.

Amendment of
principal Act,
s. 5—
Interpretation.

3. Section 5 of the principal Act is amended—

(a) by striking out the definition of "licensed receiver" and inserting in lieu thereof the following definition:—

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

and

(b) by inserting after the definition of "season" the following definition:—

"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.

4. Section 9 of the principal Act is amended—

- (a) by striking out from subsection (1) the passage “person, firm, company or authority of the State” and inserting in lieu thereof the passage “State corporation”;

Amendment of
principal Act,
s. 9—
Licensed
receivers.

and

- (b) by striking out subsection (2) and inserting in lieu thereof the following subsections:—

(2) 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 an agent approved by the Board.

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

(4) A licence held by a State corporation immediately before the coming into operation of the Wheat Industry Stabilization Act Amendment Act, 1979, shall continue in force and shall not be cancelled or suspended without the consent of the State corporation.

5. Section 13 of the principal Act is amended—

- (a) by striking out paragraph (b) of subsection (2) and inserting in lieu thereof the following paragraph:—

Amendment of
principal Act,
s. 13—
Prices to be
paid for wheat.

- (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;;

(b) by striking out paragraph (c) of subsection (2) and inserting in lieu thereof the following paragraph:—

(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 Western Australia and is wheat of a prescribed category—the characteristics of the variety or varieties of wheat included in that category 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

(c) by inserting after subsection (2) the following subsections:—

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

- (a) where the wheat is delivered in a Territory within the meaning of the Commonwealth Act—a category of wheat determined by the Board;

or

- (b) in any other case—a category of wheat determined by the appropriate Minister of the State in which the wheat is delivered,

being a category 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.

(2b) In the case of wheat delivered in South Australia, the Minister shall determine categories pursuant to subsection (2a) of this section on the recommendation of the South Australian Advisory Committee on Wheat Quality.

(2c) The provisions of this section as amended by the Wheat Industry Stabilization Act Amendment Act, 1979, 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.

6. Section 29 of the principal Act is repealed and the following section is enacted and inserted in its place:—

Repeal of
s. 29 of
principal Act
and enactment
of section in
its place.

29. (1) The Governor may make such regulations as are contemplated by this Act, or as are necessary or expedient for the purposes of this Act.

Regulations.

(2) Without limiting the generality of subsection (1) of this section, those regulations may—

- (a) require growers to furnish returns relating to the varieties of wheat that they have sown or propose to sow or propose to deliver in a particular season and the areas of land sown or to be sown with each variety;
 - (b) require persons delivering wheat to licensed receivers to declare the variety of that wheat and to permit samples to be taken;
- and
- (c) prescribe penalties not exceeding two hundred dollars or imprisonment for six months for breach of any regulation.

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

K. D. SEAMAN, Governor