

**WHEAT INDUSTRY STABILIZATION
(AMENDMENT) ACT, 1978, No. 152**

New South Wales



ANNO VICESIMO SEPTIMO

ELIZABETHÆ II REGINÆ

Act No. 152, 1978.

An Act to amend the Wheat Industry Stabilization Act, 1974,
with respect to deductions made from payments to wheat
growers and the remuneration of the Grain Elevators Board
for its services as a licensed receiver, and in other respects.
[Assented to, 29th December, 1978.]

Wheat Industry Stabilization (Amendment).

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows :—

Short title.

1. This Act may be cited as the "Wheat Industry Stabilization (Amendment) Act, 1978".

Amendment
of Act No.
108, 1974.

2. The Wheat Industry Stabilization Act, 1974, is amended in the manner set forth in Schedule 1.

Saving.

3. (1) Notwithstanding the amendments made by Schedule 1 (1) and (2), a licence in force under section 9 of the Wheat Industry Stabilization Act, 1974, immediately before the date of assent to this Act continues in force as if granted under section 9 of that Act, as amended by this Act.

(2) Where a licence continued in force by subsection (1) is held by a State corporation within the meaning of the Wheat Industry Stabilization Act, 1974, that licence shall not be cancelled or suspended without the consent of the State corporation.

Application
of amend-
ments made
by Schedule
1 (3).

4. The amendments made by Schedule 1 (3) apply in relation to wheat of the season that commenced on 1st October, 1978, and to wheat of every season thereafter.

Wheat Industry Stabilization (Amendment).

SCHEDULE 1.

Sec. 2.

**AMENDMENTS TO THE WHEAT INDUSTRY STABILIZATION
ACT, 1974.**

(1) (a) Section 4, definition of "licensed receiver"—
Omit "person, firm, company or State authority",
insert instead "State corporation".

(b) Section 4, definition of "State corporation"—

After the definition of "season", insert :—

"State corporation" means any of the following
bodies corporate :—

- (a) Grain Elevators Board;
- (b) 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) 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, of South Australia;
- (e) Co-operative Bulk Handling Limited
incorporated and registered under the
Companies (Co-operative) Act, 1943,
as amended, of Western Australia;
- (f) Tasmanian Grain Elevators Board
constituted under the Grain Reserve
Act 1950, as amended, of Tasmania;

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SCHEDELE 1—*continued.*AMENDMENTS TO THE WHEAT INDUSTRY STABILIZATION
ACT, 1974—*continued.*

(2) (a) Section 9 (1)—

Omit “person, firm, company or authority of the State”, insert instead “State corporation”.

(b) Section 9 (4)–(6)—

Omit section 9 (4) and (5), insert instead :—

(4) As from a day to be appointed by the Governor and notified by proclamation published in the Gazette, all wheat to be delivered to the Board in the State shall be delivered—

(a) to the Grain Elevators Board; or

(b) to any other licensed receiver, and at a place, approved by the Grain Elevators Board.

(5) 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.

(6) The Grain Elevators Board may enter into an agreement with the Board under section 40 of the Commonwealth Act.

(3) (a) Section 13 (2) (b), (c)—

Omit the paragraphs, insert instead :—

(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

Wheat Industry Stabilization (Amendment).

SCHEDULE 1—*continued.*

AMENDMENTS TO THE WHEAT INDUSTRY STABILIZATION
ACT, 1974—*continued.*

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

- (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 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;

*Wheat Industry Stabilization (Amendment).*SCHEDULE 1—*continued.*AMENDMENTS TO THE WHEAT INDUSTRY STABILIZATION ACT, 1974—*continued.*

- (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.

(b) Section 13 (2A)—

After section 13 (2), insert :—

(2A) In subsection (2) (c) (ii), “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 fixed by reference to the variety or varieties of the wheat, whether or not it is also fixed by reference to another criterion or other criteria.

Wheat Industry Stabilization (Amendment).

SCHEDULE 1—continued.

**AMENDMENTS TO THE WHEAT INDUSTRY STABILIZATION
ACT, 1974—continued.**

(4) Section 15A—

After section 15, insert :—

15A. A person who delivers wheat to a licensed receiver shall, at the time of delivery of the wheat, deliver to the licensed receiver a declaration in writing signed by him stating, to the best of his knowledge and belief, the variety of the wheat so delivered.

Declaration to be furnished as to variety of wheat delivered.