



## WHEAT MARKETING AMENDMENT ACT 1984

No. 97 of 1984

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AN ACT to amend the Wheat Marketing Act 1979.

[Royal Assent 12 December 1984]

BE it enacted by His Excellency the Governor of Tasmania, by and with the advice and consent of the Legislative Council and House of Assembly, in Parliament assembled, as follows:—

**1**—This Act may be cited as the *Wheat Marketing Amendment Act* 1984. **Short title.**

Commence-  
ment.

**2**—This Act shall be deemed to have commenced on 1st October 1984.

Principal Act.

**3**—In this Act, the *Wheat Marketing Act 1979\** is referred to as the Principal Act.

Amendment of  
section 12 of  
Principal Act  
(Notification  
of offer to  
purchase  
wheat).

**4**—Section 12 of the Principal Act is amended by omitting subsection (8).

Amendment of  
section 15A of  
Principal Act  
(Adjustments  
for  
allowances  
made under  
section 14).

**5**—Section 15A of the Principal Act is amended by omitting subsection (5) and substituting the following subsection:—

(5) The Board may deduct the whole or a part of an amount payable (including an amount that became payable before 1st October 1984) by a person to the Board under subsection (4) from an amount payable by the Board to the person under section 15 or the corresponding provision of a State Act.

Amendment of  
section 19 of  
Principal Act  
(Home  
consumption  
price of  
wheat).

**6**—Section 19 of the Principal Act is amended as follows:—

(a) by omitting subsections (1AA), (1), (2), and (3) and substituting the following subsections:—

(1) The price at which the Board shall, by a contract made in this State (other than a contract entered into under section 12), sell wheat for use or consumption in Australia is the appropriate price that is applicable in accordance with this section.

(2) Subject to subsection (3), during a quarter (in this subsection referred to as the “relevant quarter”) the price per tonne for Australian standard white wheat in bulk sold free on rail at a port of export for human consumption in Australia is the amount determined by the Commonwealth Minister, or by a person authorized in writing by the Commonwealth Minister, by—

(a) taking the average amount per tonne of the average export price, f.o.b., quoted by the Board on each of the 20 business days immediately preceding the 16th day of the month immediately preceding—

(i) the relevant quarter; and

- (ii) the quarter immediately preceding the relevant quarter,

for Australian standard white wheat to be disposed of on each day of the relevant quarter or the quarter immediately preceding the relevant quarter, as the case requires, by the Board by way of export sale or sale for export; and

- (b) adding to the amount calculated in accordance with paragraph (a) such amount (if any) as is determined by the Commonwealth Minister, after consultation with the Minister and the Board, in relation to the relevant quarter or in relation to one or more quarters that include the relevant quarter, to be the amount per tonne by which the costs incurred by the Board in marketing wheat for human consumption in Australia exceed the costs incurred by the Board in marketing wheat for export.

(3) There shall be added to a price determined under subsection (2) or (4) such amount as the Commonwealth Minister, after consultation with the Board, considers to be necessary to be included in the price of all wheat sold by the Board for use or consumption in Australia for the purpose of enabling the Board to meet the costs of shipment of wheat (including overseas wheat) by the Board to a port in this State.

- (b) by omitting from subsection (4) "subsection (5)" and substituting "subsections (3) and (5)";
- (c) by omitting from subsection (8) "a season sold free on rail at a port of export before the final purchasing day for" and substituting "the relevant season sold free on rail at a port of export before the expiration of";
- (d) by omitting from subsection (8) "under section 14 (1)";

- (e) by omitting from subsection (9) “ a season ” and substituting “ the relevant season ”;
- (f) by omitting from subsection (10) (a) “ that season ” and substituting “ the relevant season ”;
- (g) by omitting from subsection (11) “ a season ” and substituting “ the relevant season ”;
- (b) by inserting the following subsections after subsection (11):—

(12) Where a person other than the Board exports wheat products containing any wheat sold by the Board on or after 1st October 1984, being a sale of wheat to which this section applies, the Board shall, on application made to it by the person, refund to the person an amount equal to the aggregate of the amounts referred to in subsections (2) (b) and (3) that were applicable in relation to that wheat at the time when that wheat was sold by the Board.

(13) An application under subsection (12) shall be in accordance with a form approved by the Board.

(14) In this section—

“ associated farm ” has the same meaning as in section 11;

“ business day ” means a day other than—

(a) a Saturday;

(b) a Sunday; or

(c) a day that is a public holiday in the place where the head office of the Board is situated;

“ quarter ” means a period of 3 months commencing on any 1st January, 1st April, 1st July, or 1st October;

“ relevant season ” means the period of 12 months commencing on 1st July 1984.

(15) Where the price received by the Board from a person under a contract of sale of wheat made on or after 1st October 1984 exceeds the price that is the appropriate price that is applicable in accordance with this section as amended by the *Wheat Marketing Amendment Act* 1984, the Board shall refund to that person an amount equal to that excess.

**7**—Schedule 1 to the Principal Act is repealed.

Repeal of  
Schedule 1 to  
Principal Act  
(SCHEDULE  
1—FORMULA  
FOR  
ASCERTAIN-  
ING THE  
PRICE PER  
TONNE OF  
WHEAT IN  
RESPECT OF  
A YEAR).

