

# STATUTORY RULES.

1939. No. . 96

## REGULATIONS RELATING TO THE ACQUISITION OF WHEAT.

I, THE GOVERNOR-GENERAL in and over the Commonwealth of Australia, acting with the advice of the Federal Executive Council, in pursuance of the powers conferred by the *National Security Act 1939* and all other powers me thereunto enabling, hereby make the following Regulations.

Dated this *twentyfirst*

day of September, 1939.

*to) Gworie .*

Governor-General.

By His Excellency's Command,

*Charles Wheatley*  
for Minister of State for ~~Commerce~~  
*Defence*

### WHEAT ACQUISITION REGULATIONS.

1. These Regulations may be cited as the Wheat Acquisition Short title. Regulations.
2. In these Regulations, unless the contrary intention appears—  
Definitions.  
“Committee” means a State Committee constituted by these Regulations;  
“licensed agent” means a person licensed by the Board under these Regulations to receive wheat on behalf of the Commonwealth;  
“the Board” means the Australian Wheat Board constituted by these Regulations; and  
“the Minister” means the Minister of State for Commerce.
- 3.—(1.) For the purposes of these Regulations there shall be an Australian Wheat Board. Australian Wheat Board.  
(2.) The Board shall consist of—
  - (a) one person representing the Commonwealth Government;
  - (b) two persons representing the wheat-growers of Australia;
  - (c) two persons representing wheat marketing pools;
  - (d) three persons representing wheat merchants; and
  - (e) one person representing bulk handling authorities,who shall be appointed by the Minister by notice published in the *Gazette* and who shall hold office during the pleasure of the Minister.  
(3.) The person appointed to represent the Commonwealth Government shall be the Chairman of the Board.

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(4.) In the absence of the Chairman of the Board the members present at any meeting may elect one of their number to be the Chairman of that meeting.

4. The Board shall be a body corporate, with perpetual succession and a common seal. In corporation of Board.

5.—(1.) The Minister may, in respect of each member of the Board, appoint a person representative of the same interests as the member, to be the deputy of that member. Deputies of members.

(2.) Any person so appointed shall, in the event of the illness or absence of the member of whom he is the deputy, have all the powers of that member during his illness or absence.

(3.) No such appointment of a deputy and no acts done by him as such, shall in any proceedings be questioned on the ground that the occasion for his appointment had not arisen or had ceased.

6.—(1.) Meetings of the Board shall be held at such times and places as the Board from time to time determines. Meetings of the Board.

(2.) The Chairman of the Board, or any four members thereof, may at any time call a special meeting of the Board.

(3.) At all meetings of the Board six members shall form a quorum.

(4.) At all meetings of the Board the Chairman shall have a deliberative vote and, in the case of an equality of votes, shall also have a casting vote.

(5.) All questions before the Board shall be decided by a majority of votes.

(6.) The Board shall keep a record of its proceedings.

7. The Board may appoint any number of its members to be an Executive Committee and delegate to that Committee such of its powers and functions as the Board, subject to any direction by the Minister, determines. Executive Committee.

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*(Sgd) by*  
Provided that no such ~~obligation~~ shall prevent the exercise of any power or function by the Board.

8. A member of the Board shall not be personally liable for any act of the Board or of the member acting as such. Indemnity.

9.—(1.) The Board may appoint such officers as are necessary to assist the Board in carrying out its functions under these Regulations. Appointment of officers.

(2.) Officers appointed in pursuance of these Regulations shall not be subject to the *Commonwealth Public Service Act 1922-1937* and shall hold office during the pleasure of the Board.

(3.) Where an officer appointed in pursuance of this regulation was, immediately prior to his appointment, an officer of the Public Service of the Commonwealth, his service as an officer of the Board shall, for the purpose of determining his existing and accruing rights, be taken into account as if it were service in the Public Service of the Commonwealth, and the *Officers' Rights Declaration Act 1922-1933* shall apply as if this regulation had been specified in the Schedule to that Act.

(4.) The salaries of officers appointed in pursuance of this regulation shall be as directed by the Governor-General.

10.—(1.) For the purposes of these Regulations there shall be a State Committee.  
Committee appointed for each State.

(2.) Each Committee shall consist of—

- (a) two persons representing the State Government, one of whom shall be a senior officer of the railways authority of that State;
- (b) one person representing the flour millers in that State;
- (c) one person representing either the wheat merchants or wheat marketing pools in that State;
- (d) one person representing the wheat-growers in that State; and
- (e) one person representing—
  - (i) in the States of New South Wales, Victoria and Western Australia—bulk handling authorities;
  - (ii) in the State of South Australia—the South Australian Farmers' Co-operative Union Limited; and
  - (iii) in the State of Queensland—the State Wheat Board,

who shall be appointed by the Minister by notice published in the *Gazette* and who shall hold office during the pleasure of the Minister.

(3.) A Committee shall have such powers and functions as these Regulations confer or as the Board thinks fit but shall exercise all its powers and functions subject to any direction which the Board may give.

(4.) The person appointed to represent the State Government who is not the officer of the railways authority shall be the Chairman of a Committee.

(5.) In the absence of the Chairman of a Committee the members present at any meeting may elect one of their number to be the Chairman of that meeting.

(6.) At any meeting of a Committee, four members shall form a quorum.

(7.) At any meeting of a Committee the Chairman shall have a deliberative vote and, in the case of an equality of votes, shall also have a casting vote.

(8.) All questions before a Committee shall be decided by a majority of votes.

(9.) Any member of the Board shall have the right to attend and to take part in the proceedings of any meeting of a Committee:

Provided, that the member of the Board shall not vote or be counted in any quorum.

11. The Board may license, subject to such conditions as are specified in the licence, any person, firm, company or State authority to receive wheat on behalf of the Commonwealth and may cancel or suspend any such licence. Licensed agents.

12. The Board may, subject to the approval of the Minister, enter into any agreement with any person, company or governmental authority in any place outside Australia providing for that person, company or authority to act as the agent of the Board in respect of such matters and for such remuneration as is provided in the agreement. Overseas agents.

13.—(1.) There shall be payable to any member of the Board or of a Committee such salaries, fees and expenses, as the Governor-General may direct. Fees and expenses.

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(2.) There shall be payable to any licensed agent, as remuneration for his services and for any facilities made available by him for the storage, protection, treatment, handling, transfer and shipping of wheat, and for any expenses properly incurred by him, such amount as the Minister from time to time determines.

14. For securing the public safety and the defence of the Commonwealth and the Territories of the Commonwealth, for the efficient prosecution of the war, and for maintaining supplies and services essential to the life of the community, the Minister may, from time to time, by order published in the *Gazette*, declare that any wheat described in the order is acquired by the Commonwealth and that wheat shall thereupon become the absolute property of the Commonwealth, freed from all mortgages, charges, liens, pledges, interests and trusts affecting that wheat, and the rights and interests of every person in that wheat (including any rights or interests arising in respect of any moneys advanced in respect of that wheat) are hereby converted into claims for compensation. Expropriation of wheat.

15. All persons having wheat acquired by the Commonwealth in their possession control or disposal on the date of the publication of an order describing that wheat shall, within fourteen days of that publication, furnish to the Board a return in accordance with Form A in the Schedule to these Regulations. Returns.

16. Any person having wheat acquired by the Commonwealth in his possession, control or disposal may deliver or consign that wheat to a licensed agent or, on receipt of a notice in writing from the Board (or from the Chairman of a Committee authorized in that behalf by the Board) requiring him to deliver or consign that wheat to a licensed agent specified in the notice, shall deliver or consign (as the case may be) the wheat to that licensed agent within the time specified in the notice. Delivery of wheat.

17. Except as provided in regulation 16 of these Regulations, or with the consent of the Board, no person shall— No person to deliver wheat except as provided.

- (a) part with the possession of any wheat acquired by the Commonwealth which is held in his possession; or
- (b) take into his possession any wheat which has been acquired by the Commonwealth other than wheat which he purchases from the Commonwealth.

18. A licensed agent shall hold all wheat acquired by the Commonwealth, which is at any time in his possession, on behalf of the Commonwealth, and shall not part with the possession of any such wheat except in accordance with instructions from the Board or from the Chairman of a Committee authorized in that behalf by the Board. Licensed agent to hold wheat.

19.—(1.) Upon delivery or consignment of any wheat in accordance with regulation 16 of these Regulations every person having any right or interest in that wheat may forward to the Board a claim for compensation in accordance with Form B in the Schedule to these Regulations and shall be entitled to be paid such amount of compensation as the Minister, on the recommendation of the Board, determines. Compensation.

(2.) It shall not be necessary for the Minister to make a determination in pursuance of sub-regulation (1.) of this regulation until, in his opinion, a sufficient quantity of any wheat acquired by the Commonwealth has been disposed of to enable the Board to make a just recommendation, but the Minister may, in his absolute discretion, make any payment on account of any claim notwithstanding that no determination in respect of that claim has been made.

20.—(1.) Every contract relating to the sale of any wheat acquired by the Commonwealth, entered into before the acquisition of that wheat, is hereby declared to be void and of no effect in so far as that contract has not been completed by delivery. Contracts for sale of wheat.

(2.) Any transaction or contract with respect to any wheat which is the subject matter of any contract or part of a contract which is hereby declared to be void shall also be void and of no effect, and any money paid in respect of any contract hereby made void or of any such transaction shall be repaid.

(3.) No action for the enforcement or for damages for breach of any contract of the kind specified in sub-regulation (1.) or (2.) of this regulation, whether the contract was entered into or is to be performed in Australia or elsewhere, shall, insofar as that contract has not been completed by delivery prior to the acquisition of that wheat, be brought in any Federal or State Court or Court of a Territory under the authority of the Commonwealth.

21. All persons who are parties to any contract relating to the sale of any wheat, entered into prior to the date of the commencement of these Regulations, and which has not, prior to the date of that commencement, been completed by delivery, or who, after the date of that commencement but prior to the First day of November, One thousand nine hundred and thirty-nine, enters into any contract relating to the sale of wheat, shall, within fourteen days of that commencement, or of entering into the contract, as the case may be, furnish to the Board a return in accordance with Form C in the Schedule to these Regulations. Return of contract. *97/1/6*  
*(Signed) G.*

22. Any member of the Police Force of the Commonwealth or of a State or Territory authorized so to do by the Board or a Committee may, at any time in the day or night, enter and search any premises or vessel, or part thereof, where any wheat acquired by the Commonwealth is or is suspected to be and, if necessary for that purpose, may break into and use force to enter such premises or vessel or part. Power to enter and search for wheat.

23. For the purposes of these Regulations, any person thereto authorized by the Board may, at all reasonable times, enter any premises and inspect any stocks of wheat or flour and any accounts, books and documents relating to any wheat or flour. Inspection of stocks, books, &c.

24. Any person having any wheat the property of the Commonwealth 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. Proper care of Commonwealth wheat to be taken.

25. The Commonwealth may purchase any wheat and may use or sell or otherwise dispose of any wheat acquired or purchased by it as it deems necessary for securing the public safety and the defence of the Commonwealth and the Territories of the Commonwealth, for the efficient prosecution of the war, or for maintaining supplies and services essential to the life of the community. Dealing in wheat by Commonwealth.

26. On behalf of the Commonwealth and subject to any directions of the Minister, the Board may— Powers of Board.

- (a) purchase any wheat;
- (b) sell or dispose of any wheat acquired or purchased by the Commonwealth;
- (c) grist or arrange for the gristing of any wheat into flour and sell or otherwise dispose of that flour;
- (d) manage and control all matters connected with the handling, storage, protection, treatment, transfer or shipment of any wheat acquired by the Commonwealth or of any wheat or flour sold or disposed of by the Commonwealth or by the Board on behalf of the Commonwealth; and
- (e) do all matters which it is required by these Regulations to do or which are necessary or convenient for giving effect to these Regulations.

27.—(1.) The Board shall open and maintain an account at the Commonwealth Bank of Australia into which it shall pay all moneys received in respect of sales of wheat or wheat products or otherwise, and any moneys appropriated by the Parliament or borrowed by the Minister for use by the Board on behalf of the Commonwealth. Finance.

(2.) Out of the moneys standing to the credit of the account the Board shall defray all costs and expenses of administering these Regulations and make all payments in respect of compensation and any other payments authorized to be made by these Regulations.

(3.) The accounts of the Board shall be subject to audit by the Auditor-General.

28. The Minister may arrange with the Commonwealth Bank of Australia for the making by that Bank of advances to the Commonwealth for use on its behalf by the Board for the purposes of these Regulations, and may guarantee to that Bank the re-payment, out of moneys lawfully made available by the Parliament, of any advance made by the Bank in pursuance of the arrangement. Arrangement with Commonwealth Bank for advances.

29. Any person who furnishes any return required to be furnished by these Regulations which is false in any particular shall be guilty of an offence against the *National Security Act 1939*. False returns.

30. Section twenty-nine of the *Acts Interpretation Act 1901-1937* shall apply to any reference in these Regulations to the receipt of any notice as if that reference were to the giving of any notice. Application of Acts Interpretation Act 1901-1937, s. 29.

## THE SCHEDULE.

Form A.  
Regn. No. 15.

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## WHEAT ACQUISITION REGULATIONS.

Return showing particulars of Wheat Stocks as at

Name of person submitting Return

Address

State of

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(1)	Bagged Wheat—held or in transit—						
	(Quantity in Bushels (Ingoing weights).)						
		F.A.Q.	Premium.	Dockage.	Total.	Where Stored.	Freight to convert to Seaboard basis.
	(a) as Owner . .						
	(b) on Storage . .						
(2)	Bulk Wheat and/or Bulk Wheat Warrants—						
	Warrant Nos.	Quantity in Bushels.				Location of Wheat.	
		F.A.Q.	Premium.	Dockage.	Total.		

I declare that, to the best of my knowledge and belief, the information given in this Return is true and correct in every particular.

Date

Signature

(To be furnished to the Australian Wheat Board within fourteen days of the publication in the *Gazette* of an order acquiring the wheat.)

