



Statutory Rules 1989 No. 172¹

Wheat Industry Fund Levy Collection Regulations

I, THE GOVERNOR-GENERAL of the Commonwealth of Australia, acting with the advice of the Federal Executive Council and under section 4 of the *Acts Interpretation Act 1901*, having taken into account the relevant recommendations made to the Minister of State for Primary Industries and Energy by the Grains Council of Australia, hereby make the following Regulations under the *Wheat Industry Fund Levy Collection Act 1989*.

Dated 28 June 1989.

BILL HAYDEN
Governor-General

By His Excellency's Command,

JOHN KERIN
Minister of State for Primary Industries
and Energy

Citation

1. These Regulations may be cited as the Wheat Industry Fund Levy Collection Regulations.

Interpretation

2. In these Regulations, unless the contrary intention appears:
 "Board" has the same meaning as in the *Wheat Marketing Act 1989*;
 "quarter" has the same meaning as in section 5 of the Act;
 "pool return wheat" has the same meaning as in the *Wheat Marketing Act 1989*;
 "the Act" means the *Wheat Industry Fund Levy Collection Act 1989*.

Value of wheat

3. (1) The sale value of wheat is:

- (a) in the case of pool return wheat—the value of each payment made in respect of the wheat; or
- (b) in any other case—the sale price of the wheat:
 - (i) ascertained by reference to sales invoices or other sales documents relating to the wheat; or
 - (ii) where there are no sales invoices or sales documents—the value for that kind of wheat notified by the Board.

(2) Each quarter the Board must notify the value of wheat by reference to the average weekly cash purchase price paid by the Board in respect of wheat of that kind during the previous quarter or, if no wheat of that kind is purchased by the Board, the price determined by the Board.

(3) The value of wheat is to be net of storage, handling, transport and f.o.b. costs.

Manner of payment of levy

4. Levy, amounts on account of levy and other amounts payable to the Commonwealth under the Act must be paid to the Collector of Public Moneys at the office of the Department in Canberra.

Time of payment of levy

5. Levy in respect of pool return wheat is payable at the end of 28 days after the end of the quarter in which each payment is received from the Board.

Quarterly returns

6. A purchaser or receiver of wheat must furnish to the Secretary, within 28 days after the end of the quarter to which the return relates, a return containing the following particulars:

- (a) the full name and business or residential address of the purchaser or receiver, not being a post office box or bag;
- (b) if that address is not satisfactory for the service of documents—an address that is satisfactory that may be a post office box or bag;
- (c) the quarter to which the return relates;
- (d) the value of the wheat purchased or delivered during that quarter;
- (e) the State or States in which the wheat was produced;
- (f) the value of the wheat purchased or delivered in each State;
- (g) the total amount of levy payable in respect of the wheat.

Records to be kept

7. A purchaser or receiver of wheat must keep records showing:

- (a) the value of wheat purchased or received in each quarter; and
- (b) the State or States in which the wheat was produced; and

- (c) the value of the wheat purchased or delivered in each State.
Penalty: (a) in the case of a natural person—\$1,000; and
(b) in the case of a body corporate—\$5,000.

Authorised agents

8. (1) A person required under these Regulations to sign a declaration or other document may appoint a person to be an authorised agent to sign the document on the person's behalf.

- (2) An appointment of an authorised agent must:
(a) be in accordance with the form in Schedule 1; and
(b) be lodged at the office of the Department in Canberra.

Execution of documents

9. Where a document is required under these Regulations to be signed by a person, body corporate or partnership, it may be signed:

- (a) in the case of an individual—by any other person authorised by him or her in writing to act on his or her behalf in matters that include matters arising under these Regulations; or
(b) in the case of a body corporate—by a director, secretary or principal officer of the body corporate or by a person authorised in writing under the rules of the body corporate to act on behalf of the body corporate in matters that include matters arising under these Regulations; or
(c) in the case of a partnership—by one of the partners or by a person authorised in writing under the rules of the partnership to act on behalf of the partnership in matters that include matters arising under these Regulations.

Form of warrant to enter premises

10. For the purposes of section 14 of the Act, a warrant may be in the form in Schedule 2.

SCHEDULE 1

Regulation 8

COMMONWEALTH OF AUSTRALIA

WHEAT INDUSTRY FUND LEVY COLLECTION REGULATIONS

APPOINTMENT OF AUTHORISED AGENT

To the Secretary to the Department of Primary Industries and Energy

I/We* (*full name and business or residential address, of purchaser or receiver, not being a post office box or bag*) hereby appoint (*full name, occupation and business or residential address of person, not being a post office box or bag*) to be an authorised agent for the purpose of signing on my/our* behalf any declaration or other document

SCHEDULE 1—continued

required, under the regulations made under the *Wheat Industry Fund Levy Collection Act 1989*, to be furnished by me/us*.

Dated _____ at _____ 19 .

(Signature of person appointing the authorised agent or, where that person is a body corporate, the signature and designation of a director, secretary or principal officer of the body corporate or, where the persons appointing the authorised agent are in partnership, the signature of one of the partners and the word "Partner")

Dated _____ at _____ 19 .

(Signature of authorised agent)

*Omit whichever is not applicable.

SCHEDULE 2

Regulation 10

COMMONWEALTH OF AUSTRALIA**WHEAT INDUSTRY FUND LEVY COLLECTION REGULATIONS****WARRANT UNDER SECTION 14 OF THE WHEAT INDUSTRY FUND
LEVY COLLECTION ACT 1989**

To: *(name of person)*, an authorised person for the purposes of section 14 of the *Wheat Industry Fund Levy Collection Act 1989*.

I, _____, Magistrate (or) Justice of the Peace*, being satisfied, on an application under section 13 of the Act, in relation to premises at *(full address of the premises)*, by information on oath (or) affirmation*:

(a) That there is reasonable ground for believing:

**(i)* that wheat is produced, stored or processed on those premises; (or)

**(ii)* that goods produced from wheat are stored on those premises; (or)

**(iii)* that there are examinable documents on those premises; and

(b) that the issue of this warrant is reasonably required for the purposes of ascertaining whether a person has contravened or is contravening a provision of that Act or regulations made under it:

HEREBY AUTHORISE you to enter those premises:

(c) with such assistance, and by such force, as is necessary and reasonable; and

(d) during the hours of *(time and date)* (or) at any time*;

for the purposes of exercising the powers of an authorised person under subsection 12 (2) of that Act during the period beginning on *(date)* and ending at the end of *(date)*.

Dated _____ 19 .

Magistrate (or) Justice of the Peace*

*Adapt to suit the circumstances

NOTE

1. Notified in the *Commonwealth of Australia Gazette* on 30 June 1989.