

Wheat Marketing Amendment Regulations 1999 (No. 1) 1999 No. 100

EXPLANATORY STATEMENT

STATUTORY RULES 1999 No. 100

Issued by the Authority of the Minister for Agriculture, Fisheries and Forestry

Wheat Marketing Amendment Regulations 1999 (No. 1)

The *Wheat Marketing Amendment Regulations 1999 (No. 1)* make consequential amendments to the Wheat Marketing Regulations (Statutory Rules 1990 No.27) made under the *Wheat Marketing Act 1989*, to reflect the cessation of the statutory Australian Wheat Board's (AWB) marketing and related functions from 1 July 1999.

Subsection 94(1) of the *Wheat Marketing Act 1989* as amended by the *Wheat Marketing Legislation Amendment Act 1998* (the amended WMA) provides that the Governor-General may make regulations, not inconsistent with the Act, prescribing all matters required or permitted by the Act to be prescribed; or necessary or convenient to be prescribed for carrying out or giving effect to the Act.

Background/context

From 1 July 1999, under the amended WMA, the Wheat Export Authority (WEA) will become the successor to the Australian Wheat Board (AWB). The WEA will have functions related to the export control of wheat which was previously a function of the AWB. The AWB's former commercial wheat marketing and financing activities and most of its assets and liabilities will be taken over from 1 July 1999 by the grower owned Corporations Law company, AWB Ltd. Wheat marketing and financing will then no longer be the responsibility of the Commonwealth Government.

The Regulations make consequential amendments to the Wheat Marketing Regulations (Statutory Rules 1990 No.27) made under the WMA, to reflect the cessation of the statutory AWB's marketing and related functions.

Details of the Regulations are as follows:

Regulation 1 names the regulations the *Wheat Marketing Amendment Regulations 1999 (No. 1)*.

Regulation 2 provides for the *Wheat Marketing Amendment Regulations 1999 (No. 1)* to commence on 1 July 1999.

Regulation 3 provides that the Wheat Marketing Regulations are amended as set out in Schedule 1 of the *Wheat Marketing Amendment Regulations 1999 (No. 1)*.

Schedule 1 - Amendments

Item 1 amends the name of the Wheat Marketing Regulations to the *Wheat Marketing Regulations 1990* to conform with current practice.

Item 2 amends the heading to regulation 2 regarding definition of terms, to conform with current practice.

Item 3 repeals the definition of 'grain' which applied the operations of the AWB prior to its privatisation.

Item 4 amends subregulations 3(1) and (2) to remove references to Section 7 of the WMA which will be repealed from 1 July 1999. That Section provided for regulations to override certain State laws related to grain storage, handling and transport, and wheat marketing, in respect of contracts related to export and/or interstate trade by the statutory AWB. Grain marketing by the statutory AWB will cease after 1 July 1999. However, the override provisions will continue to apply to corporations including AWB Ltd.

Item 5 removes the now out-dated provision which required consultation with the States and others, before 1995, on the operation of the Wheat Marketing Regulations.