

Queensland



WHEAT MARKETING (FACILITATION) ACT 1989

**Reprinted as in force on 25 January 2000
(includes amendments up to Act No. 88 of 1999)**

Reprint No. 1B

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Information about this reprint

This Act is reprinted as at 25 January 2000. The reprint shows the law as amended by all amendments that commenced on or before that day (Reprints Act 1992 s 5(c)).

The reprint includes a reference to the law by which each amendment was made—see list of legislation and list of annotations in endnotes.

This page is specific to this reprint. See previous reprints for information about earlier changes made under the Reprints Act 1992. A table of earlier reprints is included in the endnotes.

Also see endnotes for information about—

- **when provisions commenced**
- **editorial changes made in earlier reprints.**



WHEAT MARKETING (FACILITATION) ACT 1989

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WHEAT MARKETING (FACILITATION) ACT 1989

[as amended by all amendments that commenced on or before 25 January 2000]

An Act to facilitate the efficient and effective marketing of wheat and certain other grains, and for related purposes

PART 1—PRELIMINARY

Short title

1. This Act may be cited as the *Wheat Marketing (Facilitation) Act 1989*.

Purpose and objectives of Act

2. The principal purpose of this Act is to provide for the efficient and effective marketing of the Queensland wheat crop and in that regard this Act has the following objectives—

- (a) to facilitate the implementation and operation of marketing agreements between grainco and the Australian Wheat Board;
- (b) to specify the function and powers which the Australian Wheat Board may exercise in Queensland;
- (c) to provide for periodic review of Queensland's wheat marketing arrangements in future years.

Definitions

3. In this Act—

“Australian Wheat Board” means the body corporate continued in

Wheat Marketing (Facilitation) Act 1989

existence by section 4 of the Commonwealth Act and includes a designated company under the Commonwealth Act.

“Commonwealth Act” means the *Wheat Marketing Act 1989* (Cwlth).

“Commonwealth Minister” means the Commonwealth Minister for Primary Industries and Energy or other Minister for the time being charged with the administration of the *Wheat Marketing Act 1989* (Cwlth).

“grain” means wheat, barley, millet, maize, rice, cereal rye, oats, triticale, grain sorghum, linseed (linola), rapeseed (canola), sunflower seed, safflower seed, canary seed, soybeans, chickpeas, field peas, lupins or any other similar form of agricultural produce declared by the regulations to be grain for the purposes of this Act.

“grainco” means Grainco Queensland Cooperative Association Limited established under the Corporations Law.

“grain product” means a substance produced by the crushing, grinding, gristing, milling or other processing of grain.

“marketing” includes all activities necessarily associated with the movement of grain or grain products from the point of production or preparation to the point of consumption and, without limiting the generality of the foregoing, includes—

- (a) the purchase, storage, handling, transport and sale of wheat, wheat products or other grain, as the case may be, and such other activities as are necessary or desirable to convert the wheat, wheat products or other grain, as the case may be, into a saleable form or condition; and
- (b) market research and development; and
- (c) advertising and such other measures designed to promote the sale of grain or grain products.

“security” means a mortgage, charge, lien or encumbrance.

“vested grain” means grain vested in grainco by the *Grain Industry (Restructuring) Act 1991*.

PART 2—MARKETING ARRANGEMENTS FOR GRAIN

Marketing agreements for grain

4.(1) Subject to this Act, grainco and the Australian Wheat Board may enter into an agreement in respect of the marketing of grain and grain products.

(2) The terms and conditions of an agreement and any subsequent variation or amendment to the terms and conditions shall be subject to the written approval of the Minister.

Powers of Australian Wheat Board

5.(1) The Australian Wheat Board has the following powers—

- (a) the power to engage in the marketing of grain and grain products and in any associated or related activity;
- (b) the power to establish and operate facilities for the storage, transport and handling of grain;
- (c) the power to appoint agents;
- (d) the power to acquire shares in—
 - (i) grainco; and
 - (ii) with the Commonwealth Minister's approval, any other corporation;
- (e) the power to enter into contracts and do anything else reasonably incidental to any of the powers mentioned in paragraphs (a) to (d).

(2) The Australian Wheat Board has no power under this section to market vested grain unless—

- (a) the grain is purchased from grainco or with grainco's approval; or
- (b) the grain is purchased from a grower who may, by virtue of an exemption under the *Grain Industry (Restructuring) Act 1991*, sell the grain to the Australian Wheat Board.

Application of certain provisions of Commonwealth Act

6.(1) Subject to this section, sections 58 to 66, 74 and 75 of the Commonwealth Act apply as if included in this Act.

(2) For the purposes of this Act, a reference to ‘the board’ in those sections of the Commonwealth Act as specified in subsection (1) shall be read as meaning the Australian Wheat Board.

(3) The Australian Wheat Board shall, if so requested by the Minister, establish under section 61 of the Commonwealth Act, as applied by this section, a pool for wheat produced in Queensland.

Payments for grain

7.(1) If the Australian Wheat Board is to pay for grain, the Australian Wheat Board must recognise any claim, notified to the board, that grainco has to that money or any part of it under the *Grain Industry (Restructuring) Act 1991*.

(2) The Australian Wheat Board is not obliged to recognise any security over grain or the grower’s right to receive payment for vested grain unless the board has received written notice of the security.

(3) If—

- (a) grainco receives written notice of a security over grain or the grower’s right to receive payment for vested grain; and
- (b) the Australian Wheat Board is to pay for the grain in accordance with a marketing agreement with grainco;

grainco must send a copy of the notice to the board.

Directions

8.(1) The Minister and the Commonwealth Minister may conjointly give written directions to the Australian Wheat Board concerning the performance of its functions and the exercise of its powers under this part.

(2) The Australian Wheat Board shall obey such directions.

(3) A copy of any directions given under subsection (1) shall be laid before the Legislative Assembly by the Minister.

PART 3—MISCELLANEOUS

Regulations

9. The Governor in Council may make regulations under this Act.

Review of Act

10.(1) The Minister must carry out a review of the operation of this Act commencing on 1 July 1994 and thereafter the Minister must carry out further reviews at intervals of not more than 5 years.

(2) In carrying out that review the Minister shall consider and have regard to—

- (a) the effectiveness of the operations of this Act; and
- (b) the efficiency and effectiveness of the then current marketing arrangements for grain in Queensland; and
- (c) any submissions in respect of the matters described in paragraphs (a) and (b) as may be made by grainco, the Australian Wheat Board, the Queensland Graingrowers' Association and other relevant parties; and
- (d) such other matters as appear to the Minister to be relevant to the operation and effectiveness of this Act.

(3) The Minister shall prepare a report based on the Minister's review of the Act and shall, as soon as practicable after that report is prepared, cause the report to be laid before the Legislative Assembly.

ENDNOTES

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2 Date to which amendments incorporated

This is the reprint date mentioned in the Reprints Act 1992, section 5(c). Accordingly, this reprint includes all amendments that commenced operation on or before 25 January 2000. Future amendments of the Wheat Marketing (Facilitation) Act 1989 may be made in accordance with this reprint under the Reprints Act 1992, section 49.

3 Key

Key to abbreviations in list of legislation and annotations

AIA	=	Acts Interpretation Act 1954	prev	=	previous
amd	=	amended	(prev)	=	previously
amdt	=	amendment	proc	=	proclamation
ch	=	chapter	prov	=	provision
def	=	definition	pt	=	part
div	=	division	pubd	=	published
exp	=	expires/expired	R[X]	=	Reprint No.[X]
gaz	=	gazette	RA	=	Reprints Act 1992
hdg	=	heading	reloc	=	relocated
ins	=	inserted	renum	=	renumbered
lap	=	lapsed	rep	=	repealed
notfd	=	notified	s	=	section
o in c	=	order in council	sch	=	schedule
om	=	omitted	sdiv	=	subdivision
p	=	page	SIA	=	Statutory Instruments Act 1992
para	=	paragraph	SL	=	subordinate legislation
prec	=	preceding	sub	=	substituted
pres	=	present	unnum	=	unnumbered

4 Table of earlier reprints

TABLE OF EARLIER REPRINTS

[If a reprint number includes a roman letter, the reprint was released in unauthorised, electronic form only.]

Reprint No.	Amendments included	Reprint date
1	to Act No 8 of 1995	7 November 1995
1A	to Act No. 73 of 1997	5 February 1998

5 Tables in earlier reprints

TABLES IN EARLIER REPRINTS

Name of table	Reprint No.
Obsolete and redundant provisions	1
Renumbered provisions	1

6 List of legislation

Wheat Marketing (Facilitation) Act 1989 No. 87

date of assent 10 October 1989

commenced 1 July 1989 (see s 2)

as amended by—

Grain Industry (Restructuring) Act 1991 No. 91 sch 3

date of assent 11 December 1991

commenced on date of assent

Grain Industry (Restructuring) Amendment Act 1995 No. 8 s 15 sch 2

date of assent 5 April 1995

ss 1–2 commenced on date of assent

remaining provisions commenced 30 August 1995 (see s 2, 1995 SL No. 242)

Primary Industries Legislation Amendment Act (No. 2) 1997 No. 73 pts 1, 10

date of assent 1 December 1997

ss 1–2 commenced on date of assent

remaining provisions commence 19 December 1997 (1997 SL No. 475)

Primary Industry Bodies Reform Act 1999 No. 88 ss 1, 2(2) pt 10 div 4

date of assent 21 December 1999

ss 1–2 commenced on date of assent

remaining provisions commenced on 21 January 2000 (see s 2(2))

7 List of annotations

Long title

amd 1991 No. 91 sch 3; R1 (see amending and repealing provisions omitted by RA s 40 and RA s 7(1)(k))

Commencement

s 2 om R1 (see RA s 37)

Purpose and objectives of Act

s 2 amd 1991 No. 91 sch 3; 1995 No. 8 s 15 sch 2

Definitions

prov hdg sub 1997 No. 73 s 46(1)

s 3 def “**Australian Wheat Board**” amd 1997 No. 73 s 46(2)

def “**grain**” ins 1991 No. 91 sch 3

def “**grainco**” ins 1991 No. 91 sch 3

sub 1995 No. 8 s 15 sch 2

def “**grain product**” ins 1995 No. 8 s 15 sch 2

def “**marketing**” amd 1995 No. 8 s 15 sch 2

def “**marketing board**” om 1999 No. 88 s 124

def “**non-statutory grain**” om 1991 No. 91 sch 3

def “**Queensland Minister**” om 1995 No. 8 s 15 sch 2

def “**season**” om 1991 No. 91 sch 3

def “**security**” ins 1991 No. 91 sch 3
 def “**State Wheat Board**” om 1991 No. 91 sch 3
 def “**statutory grain**” om 1991 No. 91 sch 3
 def “**vested grain**” ins 1991 No. 91 sch 3
 def “**wheat**” om 1991 No. 91 sch 3
 def “**wheat products**” om 1995 No. 8 s 15 sch 2

Repeal and transitional arrangements

s 5 om 1995 No. 8 s 15 sch 2

Act to be read in conjunction with other Acts

s 6 om 1991 No. 91 sch 3

Operation of other Acts

s 7 om 1995 No. 8 s 15 sch 2

PART 2—MARKETING ARRANGEMENTS FOR GRAIN

pt hdg sub 1991 No. 91 sch 3

Marketing agreements for grain

prov hdg sub 1991 No. 91 sch 3

s 4 amd 1991 No. 91 sch 3; 1995 No. 8 s 15 sch 2

Powers of Australian Wheat Board

s 5 sub 1991 No. 91 sch 3
 amd 1995 No. 8 s 15 sch 2; 1999 No. 88 s 125

Application of certain provisions of Commonwealth Act

s 6 amd 1991 No. 91 sch 3; 1995 No. 8 s 15 sch 2

Payments for grain

s 7 sub 1991 No. 91 sch 3

Marketing agreements for other grains

s 12 om 1991 No. 91 sch 3

Separate accounts to be kept

s 13 om 1991 No. 91 sch 3

Directions

s 8 amd 1995 No. 8 s 15 sch 2

PART 3—WHEAT VARIETIES ADVISORY COMMITTEE

pt hdg prev pt 3 hdg om 1995 No. 8 s 15 sch 2

Committee to be established

s 15 amd 1991 No. 91 sch 3
 om 1995 No. 8 s 15 sch 2

Function of Committee

s 16 amd 1991 No. 91 sch 3
 om 1995 No. 8 s 15 sch 2

Recommendations to be advised

s 17 amd 1991 No. 91 sch 3
 om 1995 No. 8 s 15 sch 2

Regulations

s 9 sub 1995 No. 8 s 15 sch 2

Tabling of Orders in Council

s 19 om 1995 No. 8 s 15 sch 2

Suspension of operation

s 20 om 1995 No. 8 s 15 sch 2

Review of Act

s 10 amd 1991 No. 91 sch 3; 1995 No. 8 s 15 sch 2

PART 5—AMENDMENTS TO WHEAT POOL ACT 1920–1989

pt hdg om 1991 No. 91 sch 3

Numbering and renumbering of Act

s 22 prev s 22 om 1991 No. 91 sch 3
 pres s 22 ins 1995 No. 8 s 15 sch 2
 om R1 (see RA s 37)

Amendment of s. 3. Application of Act

s 23 om 1991 No. 91 sch 3

Amendment of s. 3C. Act to be read in conjunction with provisions of other Acts

s 24 om 1991 No. 91 sch 3

Amendment of s. 5. Marketing powers of Board

s 25 om 1991 No. 91 sch 3

Amendment of s. 7. Delivery to be made in name of grower

s 26 om 1991 No. 91 sch 3

Amendment of s. 9B. Decision as to quality, etc.

s 27 om 1991 No. 91 sch 3

Amendment of s. 10A. Power of Board to purchase and sell wheat

s 28 om 1991 No. 91 sch 3

SCHEDULE—ACTS REPEALED

om 1991 No. 91 sch 3

8 Table of renumbered provisions

TABLE OF RENUMBERED PROVISIONS
 under the Reprints Act 1992 s 43 as required by Grain Industry (Restructuring)
 Amendment Act 1995 s 15 sch 2

Previous	Renumbered as
3	2
3(g)	2(c)
4	3
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Wheat Marketing (Facilitation) Act 1989

9	5
9(3)	5(2)
9(4)	5(3)
10	6
10(5)	6(3)
11	7
14	8
PART 4	PART 3
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