**WHEAT MARKETING BILL 1989**

**LEGISLATIVE COUNCIL, 18 OCTOBER 1989, PAGE 1249**

**Second reading**

Received from the House of Assembly and read a first time.

**The Hon. ANNE LEVY (Minister of Local Government):** I move:

That this Bill be now read a second time.

The Commonwealth Wheat Marketing Act 1989 was assented to on 15 June 1989. That Act contains provisions to retain the export monopoly of the Australian Wheat Board, but to open up more choice for growers by deregulating the domestic wheat market. The Commonwealth has introduced a range of measures to extend the board's commercial powers and flexibility to ensure that it will be able to compete effectively in a deregulated market. While the Commonwealth has the legislative power to make laws regarding export and interstate trade in wheat, it does not have powers over intrastate trade. To enable the Australian Wheat Board to trade intrastate, complementary State legislation is required. The Wheat Marketing Bill 1989 provides that complementarity in South Australia.

While the Wheat Marketing Bill 1989 gives the Australian Wheat Board the power to trade intrastate in grain other than wheat to the extent that doing so promotes an objective of the board, barley and oats are expressly excluded. These grains are marketed by the Australian Barley Board. The Wheat Marketing Bill 1989 also makes provision for the continued collection in South Australia of a voluntary research levy. The Bill provides that all moneys collected by this voluntary levy must be expended in South Australia.

I seek leave to have the detailed explanation of clauses inserted in Hansard without my reading it.

Leave granted.

**Explanation of Clauses**

Clause 1 is formal.

Clause 2 provides that the measure is to come into operation on a day to be fixed by proclamation.

Clause 3 sets out definitions of terms used in the measure. By the definition of 'grain', barley and oats are excluded from the functions and powers conferred on the Australian Wheat Board under the measure.

Clause 4 provides that the Australian Wheat Board is to have the following functions in addition to those conferred on it under the Wheat Marketing Act 1989 of the Commonwealth:

1. to trade in wheat and wheat products;
2. to make arrangements for the growing of wheat for the purpose of trading in wheat;
3. topromote, fund or undertake research into matters related to the marketing of wheat or wheat products;
4. to trade in grain (other than wheat) and grain products to the extent that trading in such grain or grain products will promote an object of the board under the Commonwealth Act;
5. to make arrangements for the growing of grain (otherthan wheat) for the purposes of trading in such grain; and
6. such other functions as are conferred on the board by a law of the State.

With the qualification that barley and oats are excluded, the clause confers on the board functions in relation to intrastate trade that correspond to its functions under the Commonwealth Act in relation to interstate and export trade.

Clause 5 confers on the board powers in relation to its functions under this measure that correspond to its powers under the Commonwealth Act.

Clause 6 authorises the Commonwealth Ministerto give directions to the board in relation to its functions and powers under this measure in the same way as is authorised under the Commonwealth Act.

Clause 7 provides for delegation by the board.

Clause 8 provides for the application of certain provisions of the Commonwealth Act, namely, those in Divisions 2 and 3 of Part 4 of the Commonwealth Act (relating to purchase of wheat by the board, wheat pools and payments for wheat) and section 74 of that Act (conferring further powers on the board relating to futures contracts and other financial transactions).

Clause 9 corresponds to provisions found in section 20 of the present Wheat Marketing Act 1984. The clause provides that payment by the board in good faith of money payable under the measure to the person appealing to the board to be entitled to the money discharges the board from further liability. The clause also provides that an assignment of money payable by the board in respect of wheat purchased by it is voidable by the board unless it is a registered crop lien, in which case it is so voidable unless written notice of registration of the lien has been given to the board by the holder of the lien.

Clause 10 corresponds to section 22a of the present Wheat Marketing Act and continues the current scheme for deductions to be made from the price payable for wheat sold in the State and for payment of that money into the WheatResearch Trust Fund under the Rural Industries Research Act 1985 of the Commonwealth. As under the current provisions, money so deducted may be claimed back from the Minister by the person otherwise entitled to it by serving notice in writing on the Minister during March in the season in which the wheat was harvested. Provision is made to allow purchasers, or purchases, of wheat of a class pre­scribed by regulation to be excluded from the application of those provisions. It is intended that smaller wheat trans­actions will be exempted by that means.

Clause 11 provides for the repeal of the present Wheat Marketing Act 1984 and contains necessary transitional provisions.

**The Hon. PETER DUNN** secured the adjournment of the debate.