**WHEAT INDUSTRY STABILIZATION ACT AMENDMENT BILL 1955**

**Legislative Assembly, 29 September 1955, pages 941-2**

Second reading

The Hon. A. W. CHRISTIAN (Minister of Agriculture)—I move—

That this Bill be now read a second time.

Its principal object is to make some amendments of the Wheat Industry Stabilization Act which have been rendered desirable by the passing of the Bulk Handling of Wheat Act. Their object is to empower the Wheat Board to deduct certain tolls and charges due to the Bulk Handling Company, from the moneys payable by the board to wheatgrowers. The opportunity has also been taken to include in the Bill a clause to correct a misprint in the principal Act.

Under the bulk handling scheme members of the bulk handling company are bound by agreement with the company to pay certain tolls in respect of their wheat for a period of years

The articles of association of the company state that the Australian Wheat Board is authorized to deduct the tolls from the money payable by the board to the members of the company. This, no doubt, operates as an authority or permission given to the board by the wheatgrowers in favour of the company but does not of itself impose an obligation on the board to make the deductions. Non-members of the company are not liable to pay tolls; but arrangements are being made by the company to provide that if a non-member of the company delivers wheat to a bulk handling installation, he will be liable, in accordance with the Bulk Handling Act, for a special handling charge additional to that payable by members of the company in the like circumstances.

It would be convenient for the bulk handling company and for the wheatgrowers themselves if these tolls and special charges were deducted by the Wheat Board from the money due to the growers in respect of their wheat. The Government understands that arrangements have been made between the company and the Wheat Board under which the board will make the deductions and pay the money to the company, provided that the Wheat Industry Stabilisation Act is amended to ensure that the board has the necessary power. The Wheat Board is of opinion that at present its legal power to make the deductions is doubtful. This opinion is based on section 12 of the Wheat Industry Stabilisation Act which provides that an assignment of moneys payable by the Board to a grower shall be void as against the board. The Wheat Board considers that any arrangement by which a member of the company purports to authorize the Wheat Board to deduct tolls may be an assignment within the meaning of this section and therefore void so far as the board is concerned. The board suggests that its powers to deduct tolls and non-members’ handling charges from proceeds of wheat should be placed beyond doubt, and the Government, at the request of the Bulk Handling Company, has agreed to introduce the legislation required for this purpose.

Clause 4 accordingly provides that the Wheat Board shall have authority to deduct tolls due by members of the Bulk Handling Company, provided that the members give the Wheat Board an authority in writing. The clause also provides that the board shall be entitled to deduct non-members’ handling charges from the proceeds of their wheat and pay the charges to the company. Payment to the company by the board of any money deducted under the Bill will be a discharge, to the extent of the money so paid, of the board’s liability to the grower. The other amendments do not affect the policy of the Act. There was a misprint in section 8 of last year’s Act the word "to” being printed instead of the word “by.” This point is corrected by clause 3 and a minor improvement in drafting is also made.

Mr. O’HALLORAN secured the of the debate.