

**1969/282**

**THE WHEAT BOARD REGULATIONS 1965,  
AMENDMENT NO. 4**

—  
ARTHUR PORRITT, Governor-General

ORDER IN COUNCIL

At the Government House at Wellington this 17th day of December  
1969

Present:

HIS EXCELLENCY THE GOVERNOR-GENERAL IN COUNCIL

PURSUANT to the Wheat Board Act 1965, His Excellency the Governor-General, acting by and with the advice and consent of the Executive Council, hereby makes the following regulations.

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REGULATIONS

**1. Title and commencement**—(1) These regulations may be cited as the Wheat Board Regulations 1965, Amendment No. 4, and shall be read together with and deemed part of the Wheat Board Regulations 1965\* (hereinafter referred to as the principal regulations).

(2) These regulations shall come into force on the day after the date of their notification in the *Gazette*.

**2. Interpretation**—Regulation 2 of the principal regulations is hereby amended by omitting from subclause (1) the definition of the term “milling standard wheat”, and substituting the following definition:

“ ‘Milling standard wheat’ means wheat which—

- “(a) Is sound and sweet, free from smut, free from decay, free from damage by insect pests injurious to baking quality, and free from any other blemish or damage; and
- “(b) When gristed yields flour with a baking score of 30 or higher as determined by a testing method equivalent to that used by the Wheat Research Institute in the year 1969; and
- “(c) Does not have a sprout index of greater than S1 as determined by the Wheat Research Institute test; and

\*S.R. 1965/227

Amendment No. 1: S.R. 1967/165  
Amendment No. 2: S.R. 1968/4  
Amendment No. 3: S.R. 1968/235

“(d) Does not contain—

“(i) More than 0.5 percent by weight, of weed seeds; or

“(ii) More than 5 percent, by weight, of weed seeds and other extraneous matter and broken, immature, or shrivelled grains; or

“(iii) More than 15 percent, by weight, of moisture; or

“(iv) More than 5 percent of visibly sprouted grains.”

**3. Milling standard wheat**—The principal regulations are hereby amended by revoking regulation 6, and substituting the following regulation:

**“6. Milling standard wheat**—(1) Where the Board purchases from or sells to any person milling standard wheat which contains more than 3 percent, by weight, of weed seeds and other extraneous matter and broken, immature, or shrivelled grains, or more than 14.5 percent, by weight, of moisture, the weight of the wheat shall, for the purpose of establishing the price, be calculated by excluding from the total weight, in the following order, the weight of—

“(a) Any weed seeds and other extraneous matter and any broken, immature, or shrivelled grains in excess of 3 percent, by weight; and

“(b) Any moisture in excess of 14.5 percent, by weight.

“(2) Where the Board purchases from or sells to any person any wheat which, by reason of the fact that it contains more than 0.5 percent, by weight, of weed seeds, or more than 5 percent, by weight, of weed seeds and other extraneous matter and broken, immature, or shrivelled grains, or more than 15 percent, by weight, of moisture, is not milling standard wheat the weight of the wheat shall, with the consent of the grower and for the purpose of equating the price of the wheat with the price of milling standard wheat, be calculated by excluding from the total weight, in the following order, the weight of—

“(a) Any weed seeds in excess of 0.5 percent, by weight; and

“(b) Any weed seeds and other extraneous matter and any broken, immature, or shrivelled grains in excess of 3 percent, by weight; and

“(c) Any moisture in excess of 14.5 percent, by weight.

“(3) The Board may vary the charge to the purchaser and the payment to the grower so as to take account of any weight adjustments made pursuant to this regulation.

“(4) All weed seeds and other extraneous matter and all broken, immature, and shrivelled grains in respect of which any weight deduction is made shall become the property of the purchaser and the grower shall not be entitled to payment therefor.

“(5) It shall be the duty of the grower to obtain a 1 lb sample representative of the wheat offered by the grower and this sample shall be forwarded to the miller to whom the wheat is offered for sale, or, if required by the Board, to the Board, as a basis of purchase, but weight deduction or rejection of the wheat shall be determined in respect of the

total delivery. If after purchase and when the wheat is delivered it is found that the total delivery is not in accordance with the sample, the miller or the Board shall have the right either to reject the wheat or, subject to the consent of the grower, take it into store and make such necessary adjustments in respect of weight deductions in accordance with this regulation as will equate the price of the wheat with the price of milling standard wheat.

“(6) The miller or the Board may require that the results of a test shall accompany each sample as a guide to the baking quality of the wheat, and the cost of any such test shall be borne and paid for by the miller so requiring it, or in the case of the Board so requiring it, by the Board.

“(7) Notwithstanding anything in these regulations, wheat which—

“(a) Has a sprout index of more than S1 but not more than S10 as determined by the Wheat Research Institute test; or

“(b) Contains more than 5 percent of visibly sprouted grain; or

“(c) When gristed yields flour with a baking score of less than 30 but not less than 28 as determined by a testing method equivalent to that used by the Wheat Research Institute in the year 1969—

and would, but for the presence of one or more of the three characteristics mentioned in paragraphs (a) to (c) of this subclause, be milling standard wheat, may, in seasons of special difficulties, be accepted by the Board, with the consent of the Minister, as milling standard wheat and any provision of these regulations relating to milling standard wheat shall apply as if wheat accepted as aforesaid were milling standard wheat.”

**4. Payment for wheat purchased by Board—**(1) Regulation 9 of the principal regulations (as amended by regulation 2 of the Wheat Board Regulations 1965, Amendment No. 3) is hereby amended by revoking subclause (1), and substituting the following subclause:

“(1) Except as provided in subclause (2) of this regulation, payment for wheat purchased by the Board shall be made as follows:

“(a) On delivery by the seller, the authorised broker, if satisfied that the wheat delivered is in accordance with the contract, shall forward to the Board an advice of delivery in such form as the Board may require:

“(b) Payment shall then be remitted by post by the Board to the seller or to the authorised broker named in the advice of delivery or to any other person authorised in writing by the seller as his agent in that behalf:

“(c) No part of the contract price payable by the Board to a seller shall be assignable or charged otherwise than by operation of law.”

(2) Subclause (1) of regulation 2 of the Wheat Board Regulations 1965, Amendment No. 3, is hereby consequently revoked.

**5. Payment for wheat sold by the Board—**(1) Regulation 10 of the principal regulations is hereby amended by revoking subclause (1), and substituting the following subclause:

“(1) Payment for the wheat sold by the Board shall be made by the purchaser, either to the authorised broker on account of the Board or direct to the Board, at the Board’s discretion, on terms providing for

cash on delivery, cash against shipping or transport documents, cash within 7 days after delivery, or on any other terms agreed upon by the purchaser and the broker or the purchaser and the Board."

(2) Regulation 10 of the principal regulations is hereby further amended—

- (a) By inserting in subclause (5), after the words "purchase price", the words "to the authorised broker":
- (b) By inserting in subclause (6), after the words "until the", the words "whole of the":
- (c) By adding to subclause (6) the words "or by the Board".

**6. Storage levy abolished**—(1) Regulation 33 of the principal regulations (as amended by regulation 3 of the Wheat Board Regulations 1965, Amendment No. 1) is hereby amended by revoking paragraph (b) of subclause (1) and subclause (3).

(2) Paragraph (b) of regulation 3 of the Wheat Board Regulations 1965, Amendment No. 1, is hereby consequentially revoked.

P. J. BROOKS,  
Clerk of the Executive Council.

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#### EXPLANATORY NOTE

*This note is not part of the regulations, but is intended to indicate their general effect.*

These regulations make a number of amendments to the Wheat Board Regulations 1965.

Regulation 2 substitutes a new definition of "milling standard wheat".

Regulation 3 substitutes a new regulation 6 in the principal regulations. This regulation deals with the sale and purchase of milling standard wheat and the new regulation contains amended provisions with regard to the calculation of the price of such wheat. The responsibility for obtaining and supplying a representative sample of wheat offered by a grower is placed on the grower. Subclause (7) of the new regulation, which deals with the acceptance of wheat in seasons of special difficulties, is extended.

Regulation 4 amends regulation 9 of the principal regulations by altering the form of advice to be sent by brokers to the Board in respect of wheat purchased by the Board. The requirement that payment must be remitted within 21 days is abolished.

Regulation 5 amends regulation 10 of the principal regulations by allowing payment for wheat sold by the Board to be made to the Board or to the authorised broker at the Board's discretion.

Regulation 6 abolishes the storage levy at present paid by growers of wheat.

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Issued under the authority of the Regulations Act 1936.

Date of notification in *Gazette*: 18 December 1969.

These regulations are administered in the Department of Industries and Commerce.