

1974/8



THE WHEAT BOARD REGULATIONS 1965, AMENDMENT  
NO. 5

DENIS BLUNDELL, Governor-General  
ORDER IN COUNCIL

At the Government Buildings at Wellington this 22nd day of  
January 1974

Present:

THE HON. H. WATT PRESIDING 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.

REGULATIONS

**1. Title and commencement**—(1) These regulations may be cited as the Wheat Board Regulations 1965, Amendment No. 5, 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 24th day of January 1974.

**2. Metric conversions**—(1) The principal regulations are hereby amended in the manner indicated in the Schedule to these regulations.

(2) Notwithstanding anything in the Schedule to these regulations, anything validly done before the commencement of these regulations under any regulation amended by that Schedule shall not be invalidated by reason of any amendment to that regulation made by that Schedule.

**3. Brokerage**—(1) Regulation 5 of the principal regulations (as amended by regulation 2 of the Wheat Board Regulations 1965, Amendment No. 1) is hereby amended by revoking subclauses (3) and (4), and substituting the following subclauses:

\*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

Amendment No. 4: S.R. 1969/282

“(3) In respect of every contract for the purchase of wheat arranged by an authorised broker on behalf of the Board during the season ending with the 31st day of January 1974, and all subsequent seasons, the broker shall be entitled to receive from the Board, a commission of 74c for every tonne delivered in pursuance of and in conformity with the contract.

“(4) In respect of every contract for the sale of wheat arranged by an authorised broker on behalf of the Board during the season ending with the 31st day of January 1974, and all subsequent seasons, the broker shall be entitled to receive from the Board, a commission of 73c for every tonne delivered in pursuance of and in conformity with the contract.”

(2) Regulation 2 of the Wheat Board Regulations 1965, Amendment No. 1, is hereby consequentially revoked.

**4. Complaints by purchasers**—Regulation 22 of the principal regulations is hereby amended by omitting from paragraph (e) the words “claim is”, and substituting the words “complaint is”.

**5. Loss of flour during transit**—The principal regulations are hereby amended by revoking regulation 29, and substituting the following regulation:

“29. (1) Unless otherwise agreed between the parties, it is a condition of every contract for the sale of flour made by a miller through the agency of the Board that where the flour is to be delivered elsewhere than at the premises of the miller, or the miller’s rail siding or station, the flour shall be at the risk of the Board while it is in transit between the miller’s premises, or the miller’s rail siding or station, and the Board’s point of sale to the purchaser in accordance with the contract.

“(2) The Board may arrange for flour sold through the agency of the Board to be insured against loss or damage while it is in transit between the miller’s premises, or the miller’s rail siding or station, and the Board’s point of sale to the purchaser; or the Board, as agent of the miller, may indemnify any person against loss or damage to the flour while it is so in transit. The Board may decline such indemnity, if, in the opinion of the Board, liability for any loss or damage attaches to the miller through any act or omission of the miller. If the miller does not agree that such loss or damage is due to any act or omission of his, the dispute shall be referred to arbitration for determination in terms of the Arbitration Act 1908.

“(3) Nothing in this regulation shall be deemed to affect the liability or the responsibility of any carrier in respect of any loss of or damage to flour while it is in his custody.”

**6. Levies**—(1) Regulation 33 of the principal regulations (as amended by regulation 3 of the Wheat Board Regulations 1965, Amendment No. 1, and by regulation 6 of the Wheat Board Regulations 1965, Amendment No. 4) is hereby amended—

(a) By omitting from paragraph (a) of subclause (1) the words “20c for every 50 bushels”, and substituting the words “15c for every tonne”:

(b) By omitting from paragraph (c) of subclause (1) the words "2c for every 50 bushels", and substituting the words "4c for every tonne".

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

Reg. 2 (1)

### SCHEDULE

#### AMENDMENTS TO PRINCIPAL REGULATIONS

#### (Metric Conversions)

Regulation Amended	Amendment
Regulation 2	<p>By revoking paragraphs (b) and (c) of subclause (2), and substituting the following paragraphs:</p> <p>"(b) The amount of broken, immature, and shrivelled grains in the wheat shall be determined by screening a representative sample of wheat over a 5½A metal sieve having slotted holes 0.218 by 1.27 cm with approximately 1,614 slots per square centimetre:</p> <p>"(c) Where sacks are used for packing the wheat, the sacks shall be either sound, clean, once-shot 116 cm x 58 cm sacks, or sound, new, 116 cm x 58 cm sacks free from holes or other damage."</p>
Regulation 6 (as substituted by regulation 3 of the Wheat Board Regulations 1965, Amendment No. 4)	By omitting from subclause (5) the expression "1 lb", and substituting the expression "500 gram".
Regulation 13	By omitting from paragraph (a) of subclause (1), and also from paragraph (b) of that subclause, the words "number of bushels", and substituting in each case the word "quantity".
Regulation 16	By omitting from the definition of the term "normal yield" in subclause (1) the words "bushels to the acre", and substituting the words "tonnes to the hectare".
Regulation 21	By omitting from subclause (1) the word "tons", and substituting the word "tonnes".

P. G. MILLEN,

Clerk of the Executive Council.

## EXPLANATORY NOTE

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

These regulations which come into force on 24 January 1974, amend the Wheat Board Regulations 1965.

Regulation 2 effects a number of metric conversions.

Regulation 3 increases, for the season ending with the 31st day of January 1974, and subsequent seasons, the rate of commission payable to brokers who arrange, on behalf of the Board, contracts for the purchase or sale of wheat. The rate is to be 74c a tonne in respect of purchases and 73c a tonne in respect of sales.

Regulation 4 corrects an error.

Regulation 5 substitutes a new provision relating to the loss of flour during transit. At present flour is at the risk of the miller while it is being delivered to the purchaser. In future it will be at the risk of the Board after it has left the miller's premises or the miller's rail siding or station. At present the Board is under an obligation to insure against the risk of damage in transit. In future it will have the option of doing so if it so wishes.

Regulation 6 increases the levies paid by growers of wheat in respect of all wheat grown in New Zealand and sold to the Board or to a grain merchant.

The levy paid into the Wheatgrowers' Compensation Fund is increased from 20c for every 50 bushels to 15c for every tonne.

The levy paid to United Wheatgrowers (N.Z.) Ltd is increased from 2c for every 50 bushels to 4c for every tonne.

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Issued under the authority of the Regulations Act 1936.

Date of notification in *Gazette*: 24 January 1974.

These regulations are administered in the Department of Trade and Industry.