



## HIGH COURT OF AUSTRALIA

Public Information Officer

19 June, 2003

### NEAT DOMESTIC TRADING PTY LTD v AWB LIMITED AND AWB (INTERNATIONAL) LIMITED

The High Court of Australia today dismissed a challenge to a decision made in the administration of AWB's control over bulk export of wheat brought by a grain trader wishing to operate outside the single-desk system.

Since July 1999, under the Wheat Marketing Act, every prospective exporter of bulk wheat, other than AWBI, must obtain permission from the Wheat Export Authority. The WEA can only give that consent if AWBI approves the export. The Act restructured the Australian Wheat Board from a statutory marketing authority to a grower-owned company. AWBI is a wholly owned subsidiary of AWB. AWB and AWBI's constitutions required them to maximise returns for growers who sell wheat into AWBI's pools.

NEAT Domestic Trading, of Armidale, sought the WEA's consent six times between November 1999 and January 2000 for the bulk export of durum wheat to Morocco and Italy, but each time AWBI refused to give its approval. NEAT challenged AWBI's conduct on administrative law grounds. Its challenge failed in the Federal Court and in the Full Court of the Federal Court.

The High Court also held that NEAT's challenge failed. The Court, by a 4-1 majority, dismissed NEAT's appeal.

- *This statement is not intended to be a substitute for the reasons of the High Court or to be used in any later consideration of the Court's reasons.*