

BULK HANDLING.

1° Elizabeth II., No. XLVII.

No. 47 of 1952.

AN ACT to amend the Bulk Handling Act,
1935-1950.

[Assented to 17th December, 1952.]

BE it enacted, by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and the Legislative Assembly of Western Australia, in this present Parliament assembled, and by the authority of the same, as follows:—

1. (1) This Act may be cited as the *Bulk Handling Act Amendment Act, 1952.*

Short title
and citation.

(2) In this Act the Bulk Handling Act, 1935-1950, Act No. 40 of 1935 reprinted with the Second Schedule as amended by Orders in Council dated the thirtieth day of January, 1936, and the thirteenth day of November, 1936, in the Appendix to the Sessional Volume of Acts, 1936, and further amended by Acts Nos. 22 of 1943, 2 of 1946, 80 of 1948 and 13 of 1950, and as to the Second Schedule by Orders in Council dated the eighth day of December, 1937, the twenty-fourth day of November and the twenty-first day of December, 1938, the sixteenth day of August and the twenty-ninth day of September, 1939, the twenty-sixth day of February, 1941 and the sixth day of March, 1942,

is referred to as the principal Act.

(3) The principal Act as amended by this Act may be cited as the Bulk Handling Act, 1935-1952.

S. 3
amended.

2. Section three of the principal Act is amended by—

- (a) substituting for the word “fifty-five” in line three of subsection (1) the word “seventy-five”;
- (b) deleting the words “by rail” in line seven of subsection (1).

S. 26
amended.

3. Section twenty-six of the principal Act is amended by—

- (a) deleting all the words after the section number “26” and before and above subsection (1);
- (b) deleting the word “Every” in line one of subsection (1) and substituting the following “Until the management and control of the business of the Company shall be handed over to the growers in terms of the deed of trust, every”;
- (c) deleting the words “but not to exceed one and one-eighth of a penny per bushel” in lines five and six of subsection (2).

S. 26A
amended.

4. Section twenty-six A of the principal Act is amended by substituting for the words “five-eighths of a” in lines two and three of subsection (1) the word “one”.

S. 26B
added.

5. A section is inserted in the principal Act after section twenty-six A as follows—

Provision for
payment
of port
equipment
toll and
issue of
debentures
to growers.

26B. (1) There shall be paid to the Company in respect of all wheat delivered to it a toll to be known as the port equipment toll of two pence per bushel or such lesser toll as the Governor may from time to time fix by order in Council.

(2) (a) The toll provided for in section twenty-six A of this Act is to be known as the foundation toll and in all respects it is separate and distinct from the port equipment toll.

(b) The provisions of section twenty-six A of this Act do not apply to the port equipment toll, except in so far as they are expressly set out or referred to in this section.

(3) Subsections (2) and (3) of section twenty-six A of this Act apply *mutatis mutandis* to the port equipment toll as though they were set out in this section.

(4) The amount of every port equipment toll received by the Company shall be—

(a) deemed to be an advance to the Company by the grower to whom it is to be credited in the port equipment toll register;

(b) a debt owing by the Company to the grower; and

(c) satisfied by the issue of debentures to be known as port equipment debentures.

(5) (a) (i) All port equipment toll payments received by the Company may be utilised by it for or towards the capital cost of providing and installing bulk handling facilities and equipment at ports in the State and repaying moneys borrowed for the purposes together with interest and other charges, and subject thereto, shall be applied by the Company at annual intervals on or as soon as convenient after the thirty-first day of October in each year commencing in the year one thousand nine hundred and fifty-nine, in paying off the principal moneys owing on the

port equipment debentures of its then current issue made in pursuance of the provisions of this section.

- (ii) The Company shall allow persons on payment of the prescribed charges the use in accordance with the provisions of this Act and the regulations, of bulk handling facilities and equipment controlled by the Company at ports in the State.
 - (iii) Observance of the obligation imposed on the Company by subparagraph (ii) of this paragraph is, by virtue of this subparagraph a condition of the Bond mentioned in section thirteen of this Act.
- (b) The debentures to be paid off each year shall be selected by ballot or in such other manner as the Company may determine from time to time.
- (6) (a) As soon as convenient after the the thirty-first day of October, one thousand nine hundred and fifty-eight and thereafter on every occasion that an issue of port equipment debentures is paid off in full, an issue or as the case may be a further issue of port equipment debentures shall be made by the Company to the growers or their respective assigns for the amounts then standing respectively to the credit of the growers in the port equipment toll register.
- (b) The debentures of each issue shall be in the same form as those of the first issue of debentures made under clause eight of the trust deed, except that the term of the debentures shall be five years computed from the thirty-first day of October of the year of issue.