

Western Australia

Bulk Handling Amendment Act 2002

As at 25 Oct 2002

No. 29 of 2002

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Bulk Handling Amendment Act 2002

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Western Australia

Bulk Handling Amendment Act 2002

No. 29 of 2002

An Act to amend the *Bulk Handling Act 1967*, and for related purposes.

[Assented to 25 October 2002]

The Parliament of Western Australia enacts as follows:

1. Short title

This Act may be cited as the *Bulk Handling Amendment Act 2002*.

2. Commencement

This Act comes into operation on the day on which it receives the Royal Assent.

3. The Act amended

The amendments in this Act are to the *Bulk Handling Act 1967**.

[* *Reprinted as at 13 September 1993.*

For subsequent amendments see 2001 Index to Legislation of Western Australia, Table 1, p. 39.]

4. Section 5 amended

Section 5 is amended by deleting the definitions of “authorized receiver”, “Board” and “dockage”.

5. Sections 6, 8, 9 and 10 repealed

Sections 6, 8, 9 and 10 are repealed.

6. Section 6A replaced

Section 6A is repealed and the following section is inserted instead —

“

6A. Determination of standards

- (1) The Company shall, in relation to grain tendered to or received by it, determine or cause to be determined the grade of that grain in accordance with the standard or standards for the time being adopted by the Company in respect of grain of the type concerned.
- (2) Before adopting a standard or standards, the Company shall consult such persons as the Company considers appropriate.

”.

7. Section 16 amended

Section 16(3) is amended by deleting “toll or other”.

8. Parts III and IV repealed

Parts III and IV are repealed.

9. Part V heading replaced

The heading to Part V is deleted and the following heading is inserted instead —

“

Part V — Charges

”.

10. Sections 31, 32, 33 and 34B repealed

Sections 31, 32, 33 and 34B are repealed.

11. Section 34 amended

- (1) Section 34(1) is amended by deleting “Governor by Order in Council” and inserting instead —

“ Company’s board of directors ”.

- (2) Section 34(2) and (3) are repealed.

12. Section 34A amended

Section 34A is amended by deleting “section 34B or 34C, as the case requires,” and inserting instead —

“ section 34C ”.

13. Section 35 amended

- (1) Section 35(1) is amended by deleting “tolls and other”.

- (2) Section 35(2) is amended by deleting “toll and”.

14. Section 36 amended

- (1) Section 36(1) is amended by deleting “dockage and”.
- (2) Section 36(2)(d) is amended by deleting “dockage and”.

15. Section 39 repealed

Section 39 is repealed.

16. Section 42 amended

- (1) Section 42(2)(b) is amended by deleting “nor, unless the Minister so directs, at any terminal elevator to which the grain tendered has been transported more than 100 kilometres by road”.
- (2) Section 42(3) is repealed.

17. Section 43 amended

- (1) Section 43(2) is amended by deleting “and the dockage (if any) that is applicable to it”.
- (2) Section 43(3) is amended as follows:
 - (a) by deleting “, or the dockage applicable to,”;
 - (b) by deleting “those things or either of them” and inserting instead —
“ the grade ”.
- (3) Section 43(4) is amended by deleting “, or dockage applicable to,”.
- (4) Section 43(4a) and (4b) are repealed.
- (5) Section 43(7) is amended by deleting “or dockage”.

18. Section 45 amended

Section 45(2) is amended by deleting “tolls,”.

19. Section 46 amended

- (1) Section 46(1) is amended by deleting “the Board and”.
- (2) Section 46(2) is amended by deleting “the Board and” in both places where it occurs.

20. Section 50A repealed

Section 50A is repealed.

21. Section 51 amended

Section 51(1) is amended as follows:

- (a) by deleting paragraph (a) and inserting the following paragraph instead —

“

- (a) the charge or charges referred to in section 34A shall be payable by, and recoverable from, the grower to whom it is or they are credited and the charges, including any arrears of charges, shall be a first charge in priority to all other claims on the moneys payable under the relevant compulsory marketing law in respect of the relative grain;

”;

- (b) in paragraph (aa) by deleting “sections” and inserting instead —

“ section ”;

- (c) after paragraph (b) by inserting “and”;
- (d) by deleting paragraph (c) and “and” after it.

22. Section 52 amended

Section 52(3) is amended as follows:

- (a) by deleting “7 to 9 inclusive,” and inserting instead —
“ 7, ”;

(b) by deleting “31 to 33 inclusive,”.

23. Section 53 amended

Section 53(2)(d) is amended by deleting “notified to, or”.

24. Transitional and savings

Schedule 1 has effect.

25. Consequential amendments

The Acts specified in Schedule 2 are amended as specified in that Schedule.

Schedule 1 — Transitional and savings

[s. 24]

1. Interpretation

In this Schedule —

“**CBH**” means Co-operative Bulk Handling Limited, a company registered under the *Companies (Co-operative) Act 1943*;

“**commencement day**” means the day on which this Act comes into operation.

2. Tolls and debentures (s. 31 and 32)

- (1) Debentures issued before the commencement day in accordance with section 31 or 32 of the *Bulk Handling Act 1967* continue on and after that day on the terms on which they were issued.
- (2) If, before the commencement day, a grower paid a foundation toll or a port equipment toll but as at that day had not been issued a debenture in satisfaction of the debt created by that payment —
 - (a) the debt created by the payment of the toll remains payable by CBH to the grower on the terms set out in subclause (3); and
 - (b) CBH need not issue a debenture in respect of that debt.
- (3) The terms of a debt referred to in subclause (2)(2)(a) are that —
 - (a) no interest is payable in respect of the debt; and
 - (b) CBH —
 - (i) must repay the debt in full on or before 31 October in the year 10 years after the day on which the toll was entered in the relevant register; but
 - (ii) may repay all or part of the debt at any time before then.

Schedule 2 — Consequential amendments

[s. 25]

1. *Transport Co-ordination Act 1966* amended

- (1) This clause amends the *Transport Co-ordination Act 1966**.

[* *Reprinted as at 11 May 2001.*

For subsequent amendments see Acts Nos. 7 and 20 of 2002.]

- (2) The First Schedule clause 1 is amended by deleting “facility established by the body known as Co-operative Bulk Handling Limited” and inserting instead —

“ bulk grain handling facility ”.

2. *Wheat Marketing Act 1989* amended

- (1) This clause amends the *Wheat Marketing Act 1989**.

[* *Act No. 26 of 1989.*

For subsequent amendments see 2001 Index to Legislation of Western Australia, Table 1, p. 416.]

- (2) Section 7 is repealed.

