

## BULK HANDLING.

---

No. 3 of 1981.

---

### AN ACT to amend the Bulk Handling Act 1967-1979.

[Assented to 18 May 1981.]

**B**E 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 Amendment Act 1981*. Short title and citation.

(2) In this Act the Bulk Handling Act 1967-1979 is referred to as the principal Act. Reprinted as approved 31 March 1980.

(3) The principal Act as amended by this Act may be cited as the Bulk Handling Act 1967-1981.

Commence-  
ment.

2. This Act shall come into operation on a day to be fixed by proclamation.

Section 5  
amended.

3. Section 5 of the principal Act is amended by—

(a) inserting, before the definition of “bin”, the following definition—

“ “authorized receiver” has the meaning given by section 4 of the Wheat Marketing Act 1979 and includes a licensed receiver within the meaning of section 5 of the Grain Marketing Act 1975; ” ;

(b) deleting the definition of “dockage” and substituting the following definition—

“ “dockage”, in relation to grain tendered to or received by the Company, means the amount by which that grain is devalued, as determined by the application of the standard or standards in accordance with which the Company is obliged by section six A to make that determination or cause it to be made, by reason of the inferiority or variety or the admixture of foreign matter of that grain; ” ;

(c) deleting the definition of “grade” and substituting the following definition—

“ “grade”, in relation to grain tendered to or received by the Company, means the grade as determined by the application of the standard or standards in accordance with which the Company is obliged by section six A to make that determination or cause it to be made; ” ;

and

(d) inserting, after the definition of "grower", the following definition—

" "marketing authority" means The Grain Pool of W.A., the Australian Wheat Board or any other marketing authority constituted by or under any law of the Commonwealth or of the State for the marketing of any type of grain; "

4. After section 6 of the principal Act, the following section is inserted—

Section 6A inserted.

" 6A. (1) Subject to this section, the Company shall, in relation to grain tendered to or received by it—

Fixing and publication of standards.

(a) in its capacity as an authorized receiver, determine or cause to be determined the dockage or grade of that grain in accordance with the most recent standard or standards notified in writing to the Company by the relevant marketing authority in respect of grain of the type concerned after consultation with the Company; or

(b) otherwise than in its capacity as an authorized receiver, determine or cause to be determined the dockage or 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 by arrangement with the relevant marketing authority and such other persons as the Company considers appropriate for the purposes of this Act.

(2) Whenever a standard or standards is or are notified in writing to, or adopted by, the Company under this section, the Company shall forthwith—

(a) supply to the Director of Agriculture; and

(b) cause to be published in *The West Australian* newspaper,

the text or texts of that standard or those standards, as the case requires.

(3) The Company shall not determine or cause to be determined the dockage or grade of any grain tendered to or received by it in accordance with a standard or standards notified in writing to, or adopted by, the Company under this section until the Company has complied with the requirements of subsection (2) of this section in relation to that standard or those standards.

(4) Until the Company has complied with the requirements of subsection (2) of this section in relation to a standard or standards notified in writing to, or adopted by, the Company under this section, the Company shall determine or cause to be determined the dockage or grade of any grain tendered to or received by it in accordance with the last previous standard or standards in relation to which the Company has complied with the requirements of that subsection. ” .

Section 8  
amended.

5. Section 8 (2) of the principal Act is amended by deleting “, a member of the Western Australian Barley Marketing Board”.

Section 34D  
amended.

6. Section 34D (1) of the principal Act is amended by deleting “Skeleton Weed (Eradication Fund) Act, 1974” and substituting the following—

“ Skeleton Weed and Resistant Grain Insects (Eradication Funds) Act 1974 ” .

Section 36  
amended.

7. Section 36 of the principal Act is amended—

(a) in subsection (1) by deleting “standard” and substituting the following—

“ dockage and grade ” ; and

- (b) in subsection (2) (d) by deleting “standard and dockage” and substituting the following—

“ dockage and grade ” .

8. Section 39 (1) of the principal Act is amended by deleting “the thirty-first day of December, one thousand nine hundred and eighty-five” and substituting the following—

Section 39  
amended.

“ 31 December 2000 ” .

9. Section 43 of the principal Act is amended—

Section 43  
amended.

- (a) by repealing subsection (1);
- (b) by inserting, after subsection (2), the following subsection—

“ (2a) An officer of the Company who has made a determination under subsection (2) in respect of wheat tendered to the Company by or on behalf of a grower may take, and deal with, a sample of that wheat in the manner prescribed by the regulations. ” ;

- (c) by inserting, after subsection (4), the following subsections—

“ (4a) The Company may dispatch a sample of wheat taken under subsection (2a) or (4) of this section to the Australian Wheat Board for the determination of the variety to which that sample belongs and shall, if it so dispatches that sample, inform the grower concerned accordingly.

(4b) The Company may, after having been informed by the Australian Wheat Board to what variety a sample of wheat dispatched under subsection (4a) of this section belongs, determine the dockage applicable to, or the grade of, the wheat

from which that sample was taken or both that dockage and grade, as the case requires, and thereupon—

- (a) that determination supersedes and replaces any determination of that dockage or grade or both, as the case requires, made under subsection (2) or (3) of this section; and
- (b) the Company shall inform the grower concerned of that determination. ” ;
- (d) in subsection (5) by inserting, after “and the determination shall,” the following—  
“ subject to subsection (5a) of this section, ” ; and
- (e) by inserting, after subsection (5), the following subsection—  
“ (5a) A determination made by an officer of the Company in Perth or by the Department of Agriculture of the State under subsection (5) of this section—  
  - (a) shall be made in accordance with the standard or standards in accordance with which the Company would, if it were making that determination or causing it to be made under this Act, be obliged by section six A to make that determination or cause it to be made; and
  - (b) shall not comprise or include, as the case requires, the determination of the variety of any wheat received by the Company. ” .

Section 51  
amended.

10. Section 51(aa) of the principal Act is amended by deleting “Skeleton Weed (Eradication Fund) Act, 1974” and substituting the following—

“Skeleton Weed and Resistant Grain Insects (Eradication Funds) Act 1974 ” .

11. Section 52(3) of the principal Act is amended Section 52  
amended.  
by inserting—

- (a) after “sections five,”, the following—  
“ six A, ” ; and
- (b) after “to fifty inclusive,”, the following—  
“ fifty-one ” .

12. Section 53(2) of the principal Act is amended Section 53  
amended.  
by deleting—

- (a) paragraph (c); and
  - (b) “grades of grain received by the Company are not below the limit of variations from the prescribed or adopted standards” in paragraph (d) and substituting the following—  
“ grain received by the Company is not below the limit of variations from the relevant standards notified to, or adopted by, the Company under section six A ” .
-