

BULK HANDLING.

No. 64 of 1974.

AN ACT to amend the Bulk Handling Act, 1967-1973.

[Assented to 9th December, 1974.]

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, 1974.*

Short title
and
citation.

(2) In this Act the Bulk Handling Act, 1967-1973 is referred to as the principal Act.

Approved
for
reprint 15th
January,
1970,
and
amended
by Acts
Nos. 4 of 1971,
45 of 1972,
and 69 of
1973.

(3) The principal Act as amended by this Act may be cited as the Bulk Handling Act, 1967-1974.

Commence-
ment.

2. The provisions of this Act shall come into operation on such day or days as is or are, respectively, fixed by proclamation.

Sections
34A, 34B and
34C added.

3. The principal Act is amended by adding after section 34 the following sections—

Special
object
charges.

34A. Subject to this Act, the Company may from time to time in respect of any type of grain or seed received in bulk make a charge fixed under section 34B or 34C as the case requires, in relation to grain or seed of that type for the purpose of establishing and maintaining a fund for effecting any special object which the Company may determine to be in the common interest of growers.

Special
object
charges
for
1973-1974
season.

34B. The Governor may, by Order in Council, fix the charge to be paid to the Company under section thirty-four A in respect of deliveries of grain or seed in the 1973-1974 season, but so that the amount of the charge—

(a) in relation to wheat, is 75 cents per tonne; and

(b) in relation to any other grain or seed, shall be that amount as is ascertained by varying the charge then fixed in relation to wheat by such an amount as represents the relative densities of wheat and that other grain or seed.

Special
object
charges
for
seasons
subsequent
to 1973-1974
season.

34C. (1) The charge referred to in section thirty-four A shall not be imposed in respect of deliveries of grain or seed in a season subsequent to the 1973-1974 season unless in respect of that season the Company has submitted to its shareholders a proposal setting out the amount thereof and the special object to which the charge is to be applied and has ascertained in accordance with the provisions of this section that they have agreed to the charge.

(2) For the purpose of ascertaining whether its shareholders agree to the imposition of a charge under section thirty-four A in respect of deliveries of grain or seed in a season subsequent to the 1973-1974 season the Company shall in respect of that season, in accordance with its articles of association, call a meeting in at least two places in each district from which a Director is elected under its articles of association, and submit the proposal referred to in subsection (1) of this section to each meeting so called.

(3) The shareholders shall be considered as having agreed to a charge imposed under section thirty-four A in respect of deliveries of grain or seed in respect of a season subsequent to the 1973-1974 season if, and only if, in a majority of the districts a majority of the shareholders of the Company attending the meetings called under this section agree to a proposal in terms of subsection (1) of this section and if a majority of all the shareholders attending those meetings also agree to the proposal.

(4) For the purpose of ascertaining whether a proposal to impose a charge under section thirty-four A in respect of deliveries of grain or seed in respect of a season subsequent to the 1973-1974 season has been agreed to by the shareholders of the Company, the votes cast in each district shall be totalled and the votes cast in all the districts from which Directors are elected to the Company shall also be totalled.

(5) The Governor, upon being satisfied that the requirements of subsections (1) to (4) (both inclusive) of this section have been complied with, may by Order in Council fix the charge to be paid to the Company under section thirty-four A in respect of deliveries of grain or seed in a season subsequent to the 1973-1974 season, but so that the amount of the charge—

(a) in relation to wheat shall not exceed \$1.10 per tonne; and

- (b) in relation to any other grain or seed, shall be that amount as is ascertained by varying the charge then fixed in relation to wheat by such an amount as represents the relative densities of wheat and that other grain or seed. .

Section 34D
added.

4. The principal Act is amended by adding a section as follows—

Company
authorized
to pay
Skeleton
Weed Fund
contri-
butions.

34D. (1) The Company is authorized, without further warrant than this section, to pay to the Skeleton Weed Eradication Fund established under the Skeleton Weed (Eradication Fund) Act, 1974 the amount of any contribution which appears to the Company to be payable to that Fund by a grower who has delivered grain or other seeds to the Company and any amount so paid by the Company to that Fund—

- (a) shall operate to discharge the grower in respect of whom it is paid from liability to pay the contribution; and
(b) is a debt due to the Company from the grower in respect of whom it is paid.

(2) The amount of the contribution paid by the Company pursuant to subsection (1) of this section shall be a first charge in priority to all claims, other than a charge created under any other section, on the moneys payable to a grower in respect of grain or seed.

Section 51
amended.
(Compulsory
marketing.)

5. Section 51 of the principal Act is amended—

- (a) by deleting paragraph (a) and substituting the following paragraphs—

- (a) the toll or tolls and charge or charges referred to in sections thirty-one, thirty-two, and thirty-four A shall be payable by, and recoverable from, the grower to

whom it is or they are credited and the tolls or charges, including any arrears of tolls or 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;

- (aa) the contribution paid by the Company in respect of a grower under the Skeleton Weed (Eradication Fund) Act, 1974 shall be a first charge in priority to all other claims, other than a charge created under the sections referred to in paragraph (a) of this section, on the moneys payable under the relevant compulsory marketing law in respect of the relative grain; ; and
 - (b) by deleting paragraph (d) and substituting for it a paragraph as follows—
 - (d) instead of the remuneration elsewhere provided by this Act, the Company shall, for its services, be entitled to such remuneration, with the exception of the remuneration to which the Company is entitled pursuant to section thirty-four A, being not less in the aggregate than that provided by this Act, as may be negotiated by it with the relevant marketing authority. .
-