

BULK HANDLING.

10° Elizabeth II., No. XXV.

No. 25 of 1961.

AN ACT to amend the Bulk Handling Act, 1935-1953.*[Assented to 30th October, 1961.]*

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, 1961.* Short title and citation.

(2) In this Act the Bulk Handling Act, 1935-1953, is referred to as the principal Act. Reprinted in Appendix to 1936 Sessional Volume of Statutes.

(3) The principal Act as amended by this Act may be cited as the Bulk Handling Act, 1935-1961.

S. 11A
added.

2. The principal Act is amended by adding after section eleven the following section—

Polls of
growers to
be taken by
secret
ballot.

11A. (1) Where for any purpose under or relating to the provisions of this Act or the regulations made under this Act a poll of growers is taken, then notwithstanding any provision contained in the memorandum or articles of association of the Company, the poll shall be taken and conducted in such manner as to ensure that the votes of the persons voting in respect of the poll are taken by secret ballot.

(2) The person conducting the poll may take such action and give such directions as he thinks fit or considers necessary to ensure that the votes of persons voting in respect of the poll are taken by secret ballot and that no irregularities occur in or in connection with the ballot.

(3) A person who—

(a) refuses or fails to comply with a direction given under subsection (2) of this section; or

(b) obstructs or hinders—

(i) the person conducting the ballot or the taking of any action under subsection (2) of this section; or

(ii) any other person in the carrying out of a direction under that subsection,

commits an offence against this Act.

Penalty: Twenty pounds.

(4) The Company shall take such steps as are necessary to ensure that ballot papers, envelopes, counterfoils, lists and other documents used in connection with, or relevant to, a ballot under this section are preserved and kept at such place and for such period after the completion of the ballot as the Minister directs and is hereby authorised to direct.

3. Section twenty-six A of the principal Act is amended— S. 26A
amended.

- (a) by substituting for the words, “one penny” in lines two and three of subsection (1), the words, “four pence”; and
- (b) by adding after the word, “date”, being the last word of subsection (7), the passage, “, but in respect to every further issue of debentures made by the Company after the year one thousand nine hundred and sixty-seven, the debentures of that further issue shall incorporate a condition that the moneys secured thereby shall be redeemed in full within a period of ten years from the thirty-first day of October of the year of issue”.

4. Section twenty-six B of the principal Act is amended by adding after the word, “issue”, being the last word of paragraph (b) of subsection (6), the passage, “in respect to the debentures of each issue made not later than the year one thousand nine hundred and sixty-seven, and ten years computed from the thirty-first day of October in the year of issue in respect to debentures of each issue made after the year one thousand nine hundred and sixty-seven”. S. 26B
amended.

5. The principal Act is amended by adding after section twenty-six B the following section— S. 26C
added.

26C. If and whenever after the year one thousand nine hundred and sixty-seven the Company is under obligation to make in any year a further issue of debentures in respect of foundation tolls pursuant to the provisions of section twenty-six A of this Act and in the same year a further issue of debentures in respect of port equipment tolls pursuant to the provisions of section twenty-six B of this Merger of
tolls in one
issue of
debentures.

Act, the liability of the Company to the growers in respect of each toll shall be merged and one issue only of debentures shall be made by the Company to the growers or their respective assigns for the aggregate of the amounts then standing respectively to the credit of the growers in the foundation toll register and the port equipment toll register, to the intent that one debenture only in which is included the amount of both tolls shall be issued to each grower or his assign.
