

WESTERN AUSTRALIA

BULK HANDLING ACT 1967

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at 13 September 1993

WESTERN AUSTRALIA

BULK HANDLING ACT 1967

AN ACT to make better provision for the Bulk Handling of Grain by the Company registered as Co-operative Bulk Handling Limited, and for incidental and other purposes.

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PART I — PRELIMINARY

Short title

1. This Act may be cited as the *Bulk Handling Act 1967*¹.

Commencement

2. This Act shall come into operation on a date to be fixed by proclamation.¹

Arrangement

3. [*Section 3 omitted under the Reprints Act 1984 s.7 (4) (d).*]

Repeal

4. The Acts set out in the Schedule are repealed.

Interpretation

5. In this Act, unless the contrary intention appears —

“**authorized receiver**” has the meaning given by section 4 of the *Wheat Marketing Act 1979*² and includes a licensed receiver within the meaning of section 5 of the *Grain Marketing Act 1975*;

“**bin**” means any building, shed, silo or receptacle for the storage of grain, in bulk, pending transport or delivery, and includes any plant or equipment used in connection with the reception of grain in bulk;

“**Board**” means the Shippers’ Delivery Board constituted under this Act;

“Company” means Co-operative Bulk Handling Limited, a company incorporated under the provisions of the *Companies Act 1893*³, and deemed to be registered under the *Companies (Co-operative) Act 1943*, and having its registered office at Wellington Street, Perth⁴;

“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 6A 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;

“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 6A to make that determination or cause it to be made;

“grain” means the seeds of the cereal grasses wheat and barley;

“grain received in bulk” means grain in respect of which the Company renders a service;

“grower” includes the legal personal representative of a deceased person, a trustee, the liquidator of a company, a person entitled to a share of a crop, under a share farming agreement, and a corporation, organization or body delivering grain to the Company;

“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;

“miller” means a person whose business includes the milling, other processing or use of grain;

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“representative”, in relation to a grower, means a person acting under the express or implied authority of the grower and includes a person tendering grain to the Company on behalf of the grower;

“season”, in relation to grain, means the period extending from 1 November in any year, or, if grain is received prior to 1 November, then from the date of receipt of the grain, to 31 October in the following year;

“section” means a section of this Act;

“terminal elevator” means a silo or container maintained at a port for the handling of grain and includes machinery and buildings ancillary to such a silo or container.

[Section 5 amended by No. 3 of 1981 s.3.]

PART II — OBLIGATIONS OF THE COMPANY

Company may be required to furnish bond

6. (1) The Minister may require the Company to enter into a bond conditioned on the performance by the Company of its obligations and duties under this Act and the bond shall be in such penal amount, not exceeding \$50 000, and in such form, and with such surety or sureties, as the Minister may approve.

(2) The Company shall, within one month after receiving a requisition of the Minister made pursuant to subsection (1), enter into the required bond.

Penalty: \$2 000.

[Section 6 amended by No. 20 of 1989 s.3.]

Determination and publication of standards

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

- (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.

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(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) in relation to that standard or those standards.

(4) Until the Company has complied with the requirements of subsection (2) 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 6A inserted by No. 3 of 1981 s.4.]

Liability of Company for conversion

7. (1) Nothing in this Act relieves the Company from liability for conversion or other action in respect to grain delivered to the Company in the course of its operations, but the Company may create an assurance or indemnity fund to protect it against liability in that regard.

(2) Where the Company has, in good faith and without notice of the conversion, received grain in bulk from a person who has wrongfully converted it to his own use or in derogation of the right,

title, claim or interest of another person, the Company may recover from the person wrongfully converting the grain any sum or sums and costs for which it may be liable in consequence of the receipt of the grain.

Company not to trade in grain

8. (1) The Company, its directors, officers, servants or agents shall not be directly or indirectly engaged in any business relating to the buying or selling of, or broking in, grain, but the Company may buy grain to make up losses or shortages in outturn and may sell grain that has become damaged, grain representing any excess of outturn resulting from time to time in its operations under this Act or grain remaining in its care after the 30th day of September next following the receipt of the grain.

Penalty: \$2 000.

(2) A person is not deemed to be directly or indirectly engaged in carrying on any business such as is mentioned in subsection (1) by reason only of his being a Trustee of the Grain Pool of Western Australia or a member of any other marketing authority constituted under any law of the Commonwealth or of the State for the compulsory marketing of any type of grain, or of being a director of a company carrying on a business of which the primary purpose is not the buying or selling of, or broking in, grain but in the course of which, for its own purposes, it buys or sells, or acts as a broker in, grain.

[Section 8 amended by No. 3 of 1981 s.5; No. 20 of 1989 s.3.]

Company not to discriminate or give preference

9. (1) The Company, or a director, officer, servant or agent of the Company shall not —

- (a) discriminate against, or give any preference to, a person wishing to avail himself of the services of the Company;

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- (b) tout or canvass on behalf of any grain buyer having business relations with the Company; or
- (c) disclose anything relating to the business or transactions of any person having business relations with the Company, so as to afford an advantage to any other person.

Penalty: \$2 000.

(2) The Company shall, on becoming aware that any officer, servant or agent of the Company has committed an offence under this section, forthwith terminate his service or contract, notwithstanding the terms of any agreement of service or contract to the contrary.

[Section 9 amended by No. 20 of 1989 s.3.]

Company not to alter memorandum or articles without Governor's consent

10. The memorandum or articles of association of the Company shall not be altered, except with the express approval of the Governor.

Company to insure grain

11. (1) The Company shall, at its own expense, insure all grain from time to time in its custody or under its control to its full insurable value with a public insurance company that has, or underwriters who have, complied with the provisions of the *Insurance Act 1932*⁵ of the Commonwealth, as from time to time amended, against loss or damage by fire, explosion, storm, tempest or flooding and against such other insurable risks as may from time to time be prescribed.

(2) The Company is authorized to receive and give a good discharge for all moneys payable under, and in respect of, and to

settle, adjust and compromise all claims under, a policy of insurance.

(3) Where any loss or damage occurs to any grain in the custody, or under the control, of the Company that is covered by insurance, the Company may apply the insurance moneys recovered in or towards the purchase of grain to replace that destroyed or damaged, or, at its discretion, may pay those moneys to a reserve fund to meet any liability for shortages under the provisions of section 16.

Company to furnish balance sheet and revenue account to Minister

12. (1) The Company shall in every year, not later than the prescribed date, take out a balance sheet, showing its assets and liabilities and making due allowance for depreciation and for such other reserves as are usual for undertakings similar to that carried on by the Company, together with a revenue account for the preceding 12 months, and shall, on or before the date prescribed for that purpose, forward the balance sheet and revenue account to the Minister who shall cause a copy of both to be laid before both Houses of Parliament, as soon as may be practicable after their receipt.

(2) Any officer of the Auditor General nominated by him shall, at all times, have free access to the books and records of the Company and be at liberty to make such copies of, or extracts from, them as he thinks fit.

(3) The Company shall keep all such other records of its transactions as may, from time to time, be prescribed; and such records shall at all times be open for inspection as provided by subsection (2).

Power of Company to purchase shares

13. Notwithstanding the provisions of section 174 of the *Companies (Co-operative) Act 1943*, or any provision contained in

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the memorandum or articles of association of the Company, the Company may, and shall be deemed always to have been empowered to, purchase, out of its reserve funds, any shares of a member of the Company, but to the extent only that the shares so purchased and not sold or disposed of do not, at any one time, exceed 40% of the paid up capital of the Company; and the shares so purchased are not deemed to be cancelled or to be purchased in reduction of capital, but may be sold or disposed of by the Company, in accordance with its articles of association.

[Section 13 amended by No. 58 of 1982 s.2.]

Application of moneys received from excess of outturn

14. All moneys arising from any excess of outturn in respect of each class of grain received by the Company, in any particular season, shall be paid to, and retained by, the Company in a special reserve account, as a fund to meet, from time to time, any shortages resulting in its operations or in the outturn of grain of any particular season or seasons; but where the reserve at any time exceeds the sum of \$200 000, the excess may be transferred to, and applied as part of, the general funds of the Company.

Company not liable for act of God or unforeseen loss

15. (1) The Company is not liable to any person in respect of loss sustained by him by reason of failure or delay in delivery of grain received in bulk in the course of its operations, where the failure or delay arises out of a riot, industrial dispute, civil commotion, war or act of God, or is occasioned by any unforeseen cause not attributable to the negligence of the Company.

(2) In the event of any loss or damage arising to grain the Company shall apportion the loss of, or damage to, the grain rateably, as nearly as practicable, among those entitled to obtain delivery of grain at the time the loss or damage occurs and, to that extent, the Company shall be discharged from its obligation to deliver grain to the persons entitled to obtain delivery of it.

Company's liability for shortages in stocks

16. (1) Where the Company is unable to give delivery of grain on account of loss or shortages in stocks of grain, other than losses or shortages arising from any cause for which it is relieved of liability under section 15, the Company shall pay to every person entitled to, and unable to obtain, delivery of grain the value of that quantity which it is unable to deliver at the time the request for delivery is made, or, where no request is made prior to the 30th day of September next following the date of receipt of the grain, the Company shall pay the value of an equal quantity of grain on that day.

(2) For the purposes of subsection (1), the value of the grain undelivered is deemed to be the value of an equal quantity of grain at —

- (a) the average buying price paid by merchants, published in *The West Australian* newspaper at the material time or published at the 30th day of September, as the case may be; or
- (b) where the price is not ascertainable under paragraph (a), the price quoted on the Liverpool Corn Exchange or such other exchange as may be operating, with due allowance for costs of transport and insurance; or
- (c) at the election of the Company, the price determined by the Minister,

but nothing in this subsection precludes the recovery by a person entitled to delivery of grain of any further damages to which he may be lawfully entitled by reason of the Company not delivering the grain.

(3) A person entitled to receive grain that is lost or damaged is, notwithstanding that he has not received it, obliged to pay such toll or other charges as would have been payable, under the provisions of this Act, had he received the grain on the day on which the loss or damage occurred.

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Polls of growers to be taken by secret ballot

17. (1) Where, for any purpose under, or relating to, the provisions of this Act or the regulations, a poll of growers is taken, then, notwithstanding any provision of the memorandum or articles of association of the Company to the contrary, the poll shall be taken by secret ballot.

(2) The person conducting a poll of growers may take such action and give such directions as he considers necessary to ensure that the poll is taken by secret ballot and that no irregularity occurs in, or in connection with, the ballot.

(3) Every person who —

(a) refuses or fails to comply with a direction given pursuant to subsection (2); or

(b) obstructs or hinders —

(i) the person conducting, or a person carrying out the directions of the person conducting, the ballot; or

(ii) the taking of any action pursuant to subsection (2),

commits an offence.

Penalty: \$1 000.

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

[Section 17 amended by No. 20 of 1989 s.3.]

Title to grain in Company's care

18. (1) The receipt of grain in bulk by the Company does not confer on the Company any proprietary right or interest in the grain or render the grain liable to seizure or attachment, as against the Company.

(2) As regards grain, the position of the Company at law is that of a custodian for reward.

(3) The proprietary interest in grain is vested in the person who, for the time being, is entitled to obtain it from bulk stocks held by the Company or under its control.

Company to allow use of port facilities

19. Subject to this Act and the regulations, the Company shall allow a person, on payment of the prescribed charges, the use of any bulk handling facilities and equipment controlled by it at ports in the State.

**PART III — FACILITIES TO BE PROVIDED
BY THE COMPANY**

Further installations to be approved by Minister

20. After the coming into operation of this Act, a fixed bin or bulk handling equipment shall not be installed by the Company for the reception of grain from growers without the consent of the Minister.

Facilities to be provided when Minister so requires

21. The Company is, when so required by the Minister, obliged to install, maintain, and operate a bin for the reception and handling of grain in bulk, at any point in respect of which the Minister is satisfied that the average annual receipt of grain can reasonably be expected to exceed 5 500 tonnes for a period of at least 5 years; but the Minister shall not require the installation of a bin within 40 kilometres of an existing bin.

[Section 21 amended by No. 69 of 1973 s.4.]

**Plans and specifications of installations to be approved
by Minister**

22. (1) Before proceeding to install a bin, the Company shall prepare, and submit, plans and specifications of the bin to the Minister for his approval.

(2) If the Minister is satisfied with the plans and specifications of a bin, he may approve them, otherwise he may cause the plans and specifications to be altered and approve them, as altered.

(3) A bin shall be installed in accordance with the plans and specifications as finally approved by the Minister.

Minister may require Company to alter inadequate facilities

23. Where, in the opinion of the Minister, a bin or any equipment provided by the Company in connection with a bin is inadequate for the needs of the district that it serves or is intended to serve, the Minister may, by notice in writing, require the Company to make such alterations or additions or to provide such further equipment for the operation of the bin as the Minister thinks necessary, and the Company shall comply with any such requisition.

Company to keep bins in good condition

24. The Company shall, at all times —

- (a) keep all bins and bulk handling equipment used by it or under its control in good repair and condition and in safe working order;
- (b) take and use proper precautions in the operation of bins and bulk handling equipment, so as to protect all grain received and handled from weather, vermin and fungus; and
- (c) take and use all proper precautions in the receipt, handling, transport and delivery of grain, so as to ensure that all types of grain are kept separate from one another.

PART IV — SHIPPERS' DELIVERY BOARD

Shippers' Delivery Board

25. (1) A Board, called "The Shippers' Delivery Board", is constituted.

(2) The Board shall consist of 4 members, including the chairman.

(3) The members of the Board shall be —

- (a) the Commissioner of Railways, by virtue of his office, or, in the absence of the Commissioner, the Chief Traffic Manager of the Western Australian Government Railways;
- (b) a person appointed by the Governor to represent the various port authorities through whose ports bulk grain is shipped;
- (c) a person elected, in the prescribed manner, by those merchants operating in the State who are shippers of grain; and
- (d) a person appointed by the Company.

(4) The members of the Board shall elect one of their number as chairman.

(5) The Minister shall, as the occasion requires, by notice in writing to the merchants mentioned in subsection (3) (c) require them to elect a person as a member of the Board, in the prescribed manner, and, by like notice to the Company, require it to appoint a member of the Board, both within such period, being not less than one month, as may, in each case, be stipulated in the notice and if, upon the expiration of the period so stipulated or such extension of that period as the Minister may grant, the required election has not been held or the required appointment has not been made, the Minister shall nominate such person as, having regard to the

interest the person is to represent, he thinks fit; and the Governor may appoint a person so nominated to be a member of the Board.

Board meetings

26. (1) The Board shall meet together from time to time as may be necessary for the transaction of business.

(2) A special meeting of the Board may at any time be called in the prescribed manner by 2 members of the Board.

(3) The Board may appoint a secretary.

Quorum

27. (1) Three members of the Board constitute a quorum.

(2) The chairman of the Board shall have a deliberative as well as a casting vote.

No fees payable to members

28. The members of the Board are not entitled to any remuneration for their services as such.

Duties of Board

29. It is the duty of the Board to take such action as may be practicable —

- (a) to prevent any disorganization of, or congestion in, the transport of grain; and
- (b) to ensure that adequate supplies of grain are transported to the ports to meet the demands of shippers and charterers of vessels in accordance with the provisions of sections 30 and 46.

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Board to draw up shipping rosters

30. (1) The Board shall, from time to time, on the information furnished to it and having regard to the facilities available for the handling, transport, storage and delivery of the grain —

- (a) draw up shipping rosters; and
- (b) specify the quantities of grain that the Company is, from time to time, to transport to any port, to meet shippers' requirements.

(2) It is the duty of the Company to ensure that grain is transported to the ports, and that ships arriving to load bulk grain are kept supplied, in accordance with the specifications of the Board.

PART V — TOLLS AND CHARGES

Payment of foundation toll

31. (1) There shall be paid to the Company, in respect of any type of grain or seed received in bulk, a toll, in this section referred to as “**the foundation toll**”, fixed under this section in relation to grain or seed of that type.

(1a) The Governor may by Order in Council from time to time fix the foundation toll to be paid under this section in relation to grain or seed of any type, but so that —

- (a) in relation to wheat, the foundation toll shall not exceed the amount of \$2.94 per tonne; and
- (b) in relation to any other grain or seed, the foundation toll fixed from time to time shall be that ascertained by varying the foundation toll then fixed in relation to wheat by such amount as represents the relative densities of wheat and that other grain or seed.

(2) The foundation toll shall be paid to the Company by every holder of a warrant upon his surrendering it to the Company.

(3) The Company shall keep a register containing the names and address of every grower and shall, on or before the prescribed date in each year, enter in the register against the name of every grower whose grain has been delivered to, or handled by, the Company, during the preceding season, a credit for the amount of the foundation tolls received by the Company in respect of grain delivered to, or handled by, the Company, for the grower.

(4) The amount of each foundation toll received by the Company, in respect of a grower, is deemed to be an advance to the Company by the grower to whom it is, in accordance with subsection (3), credited in the register and, subject to any set off or deduction made under subsection (6), is a debt owing, by the Company to the grower, and that debt shall be satisfied by the issue to the grower of a foundation debenture.

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(5) The foundation debentures of every issue are deemed to have been issued on the footing that the Company may redeem them at any time and those to be redeemed in any year shall be selected by ballot or in such other manner as the Company may, from time to time, determine.

(6) The Company shall cause one fully paid up two-dollar share in its capital to be issued or transferred to every grower whose name is entered in the register and who is not, at the time of that entry, the registered holder of a share in the capital of the Company and who is credited with foundation tolls received by the Company exceeding the amount of \$2, and, in payment for that share, the Company shall set off the amount of \$2 from the foundation tolls credited to the grower.

(7) Shares that have not previously been issued by the Company shall not be issued for the purposes of subsection (6), if any shares previously issued by the Company that have reverted to, or have otherwise been acquired by, the Company are available for re-issue or transfer.

(8) All foundation toll payments received by the Company, less any amounts set off or deducted under subsection (6), may be applied by the Company for additional capital expenditure, for repayment of moneys borrowed for that purpose and for replacing losses incurred by the Company in the conduct of its business and, subject to their being so applied, the toll payments shall be applied by the Company, at annual intervals, on, or as soon as convenient after, the prescribed date in each year, in redeeming the debentures of its then current issue or, alternatively, in payment, during each year of the term of the foundation debentures, of such part of the amount of them as is proportionate to that term.

(9) On each occasion that an issue of foundation debentures is redeemed in full, a further issue of foundation debentures shall be made by the Company to the growers or their respective assigns, for the amounts then standing respectively to their credit in the foundation debenture register kept pursuant to this section.

(10) The foundation debentures of each further issue made pursuant to subsection (9) shall be in the same form as that of the

issue of foundation debentures current at the date of the coming into operation of this Act, but the term of those debentures shall be 10 years, computed from the prescribed date of the year of issue.

[Section 31 amended by No. 69 of 1973 s.5; No. 29 of 1976 s.2.]

Payment of port equipment tolls

32. (1) Without affecting the provisions of section 31, there shall be paid to the Company, in respect of all grain received in bulk, a toll, in this section referred to as "**the port equipment toll**", fixed under this section in relation to grain or seed of that type.

(1a) The Governor may by Order in Council from time to time fix the port equipment toll in relation to grain or seed of any type but so that —

- (a) in relation to wheat, the port equipment toll shall not exceed the amount of 73 cents per tonne;
- (b) in relation to any other seed, the foundation toll fixed from time to time shall be that ascertained by varying the port equipment toll then fixed in relation to wheat by such an amount as represents the relative densities of wheat and that other grain or seed.

(2) Section 31 (2) and (3) apply *mutatis mutandis* to the port equipment toll as though they were set out in this section.

(3) The amount of each port equipment toll received by the Company, in respect of a grower, is deemed to be an advance to the Company by the grower to whom it is credited in the port equipment toll register and is a debt owing by the Company to the grower and that debt shall be satisfied by the issue to the grower of a port equipment debenture.

(4) All port equipment toll payments received by the Company may be applied by it for or towards the capital cost of providing and

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installing bulk handling facilities and equipment at ports in the State and in repaying moneys borrowed for that purpose, together with interest and other charges, and subject to their being so applied, they shall be applied by the Company at annual intervals on, or as soon as convenient after, the prescribed date in each year, in redemption of the issue of the port equipment debentures then current or, alternatively, in payment, during each year of the term of the port equipment debentures, of such part of the amount of them as is proportionate to that term.

(5) The debentures to be paid off each year shall be selected by ballot or in such other manner as the Company may, from time to time, determine.

(6) On each occasion that an issue of port equipment debentures is redeemed in full, 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 their credit in the port equipment toll register kept pursuant to this section.

(7) The port equipment debentures of each further issue made pursuant to subsection (6) shall be in the same form as that of the issue of port equipment debentures current at the date of the coming into operation of this Act, but the term of those debentures shall be 10 years, computed from the prescribed date of the year of issue.

[Section 32 amended by No. 69 of 1973 s.6.]

Merger of debentures in one issue

33. Where the Company is under obligation, in any year, to make a further issue of debentures in respect of foundation tolls, pursuant to the provisions of section 31, and, in the same year, a further issue of debentures in respect of port equipment tolls, pursuant to the provisions of section 32, 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 in satisfaction of the aggregate

of the amounts then standing respectively to the credit of the growers in the foundation toll register and in the port equipment toll register, and one debenture, only, comprising the aggregate amount of both tolls shall be issued to each grower or his assign.

Charges by Company to be approved by Governor

34. (1) In return for the services of the Company in the receipt, handling, storage and delivery of grain, the Company is authorized to make such charges as are from time to time fixed by the Governor.

(2) The Company shall not make any other levies or charges for, or in respect of, the bulk handling of grain except such as are fixed pursuant to this section or are, by this Act, expressly authorized.

(3) No alteration which may be made from time to time in the levy or charges authorized under this section affects the holder of a warrant issued prior to the alteration.

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.

[Section 34A inserted by No. 64 of 1974 s.3.]

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 34A in respect of deliveries of

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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.

[Section 34B inserted by No. 64 of 1974 s.3.]

Special object charges for seasons subsequent to 1973-1974 season

34C. (1) The charge referred to in section 34A 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 34A 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 2 places in each district from which a director is elected under its articles of association, and submit the proposal referred to in subsection (1) to each meeting so called.

(3) The shareholders shall be considered as having agreed to a charge imposed under section 34A 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) 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 34A 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) have been complied with, may by Order in Council fix the charge to be paid to the Company under section 34A 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 34C inserted by No. 64 of 1974 s.3.]

Company authorized to pay Skeleton Weed Fund contributions

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 and Resistant Grain Insects (Eradication Funds) 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

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(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) 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 34D inserted by No. 64 of 1974 s.4; amended by No. 3 of 1981 s.6.]

Company to have priority lien for tolls and charges

35. (1) The Company has a lien, in priority to all other claims, over any grain received by it, in respect of the tolls and other charges payable in respect of that grain under the authority of this Act.

(2) A person obtaining delivery of grain from the Company is authorized to pay the toll and charges in respect of the grain and to set off any amount so paid against any moneys payable by him in respect of the grain, or of any equivalent quantity of grain, of which he may obtain delivery.

PART VA — APPLICATION OF INCOME AND PROPERTY

[Heading inserted by No. 4 of 1971 s.3.]

Manner of applying income and property of the Company

35A. Notwithstanding any of the provisions of the *Companies (Co-operative) Act 1943* or of the memorandum or articles of association of the Company —

- (a) no part of any income or property of the Company shall be, directly or indirectly, paid or transferred as a profit, by way of a dividend or bonus or otherwise, to any member of the Company;
- (b) all the income and property of the Company shall be applied, subject to this Act, towards the objects of the Company as set out in clause 2 of its memorandum of association and not otherwise;
- (c) the directors of the Company may set aside out of the profits of the Company such sums as they think fit as reserves for application, in the discretion of those directors, in meeting contingencies or in achieving any other purpose that is, under the memorandum or articles of association of the Company but subject to this Act, a proper purpose for the application of profits of the Company;
- (d) where any reserves set aside pursuant to paragraph (c) are not immediately required for application in accordance with that paragraph, they may, in the discretion of the directors of the Company, be applied in the business of the Company or in furthering, subject to this Act, the objects of the Company as set out in clause 2 of its memorandum of association, paying off or reducing some or all of its debentures for the time being outstanding, or liquidating any other indebtedness of the Company or they may be invested in such investments as those directors think fit; and

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- (e) if the Company is wound up and any surplus assets remain after payment of its debts and liabilities and the costs of the winding up and repaying to shareholders the capital paid upon their shares, those surplus assets shall not be distributed among the members of the Company but shall be distributed or applied in such other manner as shall be directed by the Treasurer of the State acting for and on behalf of the State.

[Section 35 inserted by No. 4 of 1971 s.3.]

PART VI — WEIGHBRIDGE TICKETS AND WARRANTS

Company to issue weighbridge ticket on receipt of grain

36. (1) On receipt of grain, the Company shall cause it to be weighed, its dockage and grade to be determined and a weighbridge ticket to be issued for the grain.

(2) Every weighbridge ticket issued pursuant to this section shall set out —

- (a) the type of grain in respect of which it is issued;
- (b) the name of the person in whose name the grain is delivered;
- (c) the weight and quantity of grain delivered;
- (d) where determined at the time of delivery, its dockage and grade; and
- (e) such other particulars as may be prescribed.

(3) All weighbridge tickets issued for any one type of grain shall be consecutively numbered and the Company shall not issue 2 weighbridge tickets bearing the same number, for the same type of grain, in any one season.

[Section 36 amended by No. 3 of 1981 s.7.]

Company to issue warrants

37. (1) The Company shall issue a warrant in respect of grain received, setting out such particulars as may be prescribed, as soon as practicable after being so required by the grower and, where the grower does not, within a reasonable period, require the issue of a warrant, the Company may issue it of its own motion.

(2) Every warrant shall be serially numbered and the Company shall not issue 2 warrants bearing the same number for the same type of grain, in any one season.

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Liability of persons for conversion

38. (1) Where a person delivers grain to the Company and the delivery is made in derogation of the right, title or interest of another person —

- (a) the person in whose name the grain is delivered;
- (b) the person to whom a warrant is issued in respect of the grain; and
- (c) the holder of a warrant issued in respect of the grain,

is liable to the person whose right, title or interest is so affected.

(2) Subject to the provisions of subsection (1), every warrant is a negotiable instrument transferable by endorsement; but every person to whom a warrant is negotiated or transferred accepts and holds it subject to any lien over, and the right, title or interest of any person to or in, the grain in respect of which the warrant was issued.

(3) An endorsement of a warrant may be general or special.

**PART VII — RECEIVAL AND DELIVERY OF GRAIN
BY THE COMPANY**

Company granted sole right of receiving and delivering grain

39. (1) Subject to this Act, the Company has the sole right, until 31 December 2000, of receiving grain in bulk and of handling, transporting and delivering grain received in bulk and a person who, within the period limited by this subsection, does any of those things commits an offence.

Penalty: \$2 000.

(2) A court convicting a person of an offence under this section shall, whether imposing any penalty or not, order the person to pay to the Company an amount equal to the tolls that would have been payable to it in respect of the grain received, handled, transported or delivered in contravention of this section and the amount so ordered to be paid may be recovered as though it were a penalty imposed pursuant to this section.

(3) Notwithstanding the provisions of subsection (1) —

- (a) the grower of a grain crop may transport a quantity of the grain, not exceeding one-tenth of the marketable portion of the crop, by rail;
- (b) a miller may receive, in bulk, any wheat having a special milling quality, whether by reason of its having been grown in any particular part of the State or not;
- (ba) a person who purchases grain from a grower for a stockfeed use may, where that sale is lawful, receive, in bulk, the grain so purchased and may handle and transport grain so received;
- (c) a person may receive, handle, transport, and deliver grain in bags; and

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- (d) the Commissioner of Railways and his officers or servants do not commit an offence by reason only of receiving, handling, or carrying in bulk any grain that may be delivered to him or them by any person, in contravention of the provisions of this section.

[Section 39 amended by No. 3 of 1981 s.8; No. 98 of 1984 s.14 (8); No. 112 of 1987 s.11; No. 20 of 1989 s.3.]

Company to provide statement showing handling conditions

40. The Company shall make available to a grower requiring it, at any point at which it is operating, a statement showing the prescribed terms, conditions and charges under which grain is received in bulk by the Company and then in force.

Company to handle grain in accordance with Act

41. Notwithstanding any contract or agreement to the contrary, the terms and conditions provided by, or prescribed under, this Act apply to every receipt, handling and delivery of grain by the Company.

Company to receive all bulk grain tendered

42. (1) Subject to subsection (2), the Company shall receive all grain that is tendered to it in bulk.

(2) Notwithstanding the provisions of subsection (1), the Company —

- (a) shall not receive, as and when tendered, any grain that is unsound or that is inferior to the lowest grade then in force, but shall make arrangements to receive the grain at such time or place, or subject to such conditions, as it may require;

- (b) is not obliged to receive any grain except at a reasonably convenient time and place nominated by it nor, unless the Minister so directs, at any terminal elevator to which the grain tendered has been transported more than 100 kilometres by road.

(3) Where the Minister is of the opinion that the arrangements made by the Company under subsection (2) (a) are, or that the time or place nominated by the Company under paragraph (b) of that subsection is, onerous, he may require the Company to make other arrangements or to nominate some other time or place, as the case may require, to his satisfaction.

[Section 42 amended by No. 69 of 1973 s.7.]

Determination of grade of, and dockage applicable to, grain

43. [(1) repealed]

(2) When grain is tendered to the Company by, or on behalf of, a grower, an officer of the Company shall, subject to the succeeding provisions of this section, determine the grade of the grain and the dockage (if any) that is applicable to it and shall inform the person tendering the grain of his determination.

(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.

(3) If the grower consents, the officer mentioned in subsection (2) may, instead of determining the grade of, or the dockage applicable to, the grain, receive it subject to the determination of those things or either of them at an office of the Company nominated by it and the grower shall be informed by the Company of a determination so made.

(4) Where the grade of, or dockage applicable to, grain is not to be determined by the officer at the place where it is tendered, he shall take, and deal with, a sample of the grain, in the manner prescribed by the regulations.

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(4a) The Company may dispatch a sample of wheat taken under subsection (2a) or (4) 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) 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); and
- (b) the Company shall inform the grower concerned of that determination.

(5) A person who is dissatisfied with a determination made pursuant to subsection (2), may require the determination to be made by an officer of the Company at Perth or by the Department of Agriculture of the State and the determination shall, subject to subsection (5a), thereupon be made in the manner prescribed by the regulations.

(5a) A determination made by an officer of the Company in Perth or by the Department of Agriculture of the State under subsection (5) —

- (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 6A 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.

(6) The regulations may provide for the payment of fees for, and expenses attendant upon, a determination made pursuant to subsection (5).

(7) Where the grower or his representative does not dispute the grade or dockage determined pursuant to subsection (2), the officer of the Company shall cause his determination to be entered on the weighbridge ticket.

[Section 43 amended by No. 3 of 1981 s.9.]

Guarantee of quality and quantity

44. The holder of a warrant is, subject to any variations allowed by this Act or the regulations, entitled to receive an equivalent weight of grain of the type corresponding with, and of a grade at least equal to, that in respect of which the warrant was issued.

Company may sell if delivery not taken by 30 September

45. (1) The holder of a warrant shall take delivery of the grain to which the warrant relates, on or before the 30th day of the month of September next following the receipt of the grain by the Company.

(2) In the event of a warrant holder not taking delivery as provided by subsection (1), the Company is relieved of its obligations to deliver the grain under the warrant and may, at any time and from time to time thereafter, sell the grain —

- (a) in one or more parcels;
- (b) in one or more different sales; or
- (c) separately or together with any other grain,

as may be prescribed, and shall, in the manner prescribed, pay the proceeds of the sale or sales to the warrant holder, making deductions for tolls, charges and expenses of the sale.

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(3) Notwithstanding the foregoing provisions of this section, where the Governor is of the opinion that a state of emergency exists, he may, by Order in Council, extend the time limited by subsection (1) for the taking of delivery of grain, by fixing such date subsequent to that provided by that subsection as he considers necessary.

Shippers to give notice of charter

46. (1) A holder of a warrant requiring grain from the Company for shipment, shall notify the Board and the Company of the requirement, forthwith after arranging the charter of a ship to carry the grain from a port at which the Company loads bulk grain, and shall furnish, with the notice, such other particulars as may be prescribed.

(2) Where the holder of a warrant who has given notice pursuant to subsection (1) receives any notification of an alteration in the estimated date of arrival of a ship chartered by him, he shall forthwith notify the Board and the Company of that happening and shall, in any event and at least 6 days before the vessel is due to arrive, notify the Board and the Company of the then last port of call of the vessel and the date of departure therefrom and shall furnish such other particulars as may be prescribed.

Warrant holder's right to sample grain

47. (1) The holder of a warrant is entitled to receive a sample of grain that is in any bin, truck or container from or in which grain may be delivered to him.

(2) The holder of a warrant is not entitled to reject individual bins, trucks or containers, unless, in the case of grain being delivered for shipment, the running bulk sample of the shift being worked, or in the case of grain being delivered other than for shipment, the running bulk sample of the bin, truck or container is below the grade as specified in the warrant.

Disputes as to quality of grain for shipment

48. (1) In the event of any dispute as to the quality or condition of grain tendered by the Company to the holder of a warrant for shipment, the holder may require delivery operations to be discontinued and the Company and the holder of the warrant shall, thereupon, each appoint an arbitrator to determine the dispute.

(2) For the purposes of an arbitration under this section, a sealed sample of the grain that is the subject of dispute shall be taken jointly by the parties to the dispute and shall be supplied to the arbitrators, together with a standard sample, in such a manner that the identity of the samples is not known to the arbitrators.

(3) The arbitrators shall make their award with the least possible delay, and in any case not later than 24 hours after the reference, and the arbitration shall, subject to the express provisions of this Act, be conducted as, and have all the incidents of, a reference under the *Arbitration Act 1895*⁶.

Disputes as to quality of grain delivered other than for shipment

49. (1) In the event of any dispute as to the quality or condition of grain tendered by the Company to the holder of a warrant for delivery, other than at a port, the holder of the warrant may require the dispute to be submitted to arbitration.

(2) Sealed samples of the grain that is the subject of dispute under this section shall be taken in the prescribed manner.

(3) Upon payment of the prescribed fee on behalf of the holder of the warrant, the samples of the grain that is the subject of dispute shall be forwarded to the Department of Agriculture and there inspected in accordance with the regulations by an officer of that department nominated by the Minister, and the officer shall give his decision on the matter in dispute.

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Costs of arbitration

50. The cost of arbitration pursuant to section 48 or 49, together with any costs reasonably and directly incurred for demurrage, hauling, handling or otherwise arising out of the dispute shall be borne by the party against whom the award is given under the arbitration.

PART VIII — MISCELLANEOUS

Guarantees by the Treasurer in respect of moneys borrowed by the Company

50A. (1) The Treasurer may, for and on behalf of the Crown in right of the State, guarantee the repayment of any principal moneys borrowed by the Company and interest thereon, whether those principal moneys were borrowed before or are borrowed after the commencement of this section.

(2) A guarantee given by the Treasurer pursuant to subsection (1) may be given on such terms and conditions as the Treasurer thinks fit but any liability of the Crown in right of the State arising out of the guarantee shall be paid out of the Consolidated Fund which, to the necessary extent, is hereby appropriated accordingly.

(3) Where any moneys are received or recovered by the Treasurer from the Company or any other person in respect of any moneys paid out of the Consolidated Fund pursuant to subsection (2) the moneys so received or so recovered shall be paid into that Fund.

[Section 50A inserted by No. 45 of 1972 s.2; amended by No. 98 of 1985 s.3; No. 6 of 1993 s.11.]

Compulsory marketing

51. (1) Notwithstanding any other provisions of this Act, during the operation of any law, whether of the Commonwealth or the State, providing for compulsory marketing of any grain handled by the Company —

- (a) the toll or tolls and charge or charges referred to in sections 31, 32, and 34A 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

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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 and Resistant Grain Insects (Eradication Funds) 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), on the moneys payable under the relevant compulsory marketing law in respect of the relative grain;
- (b) the Company shall not be obliged to issue a warrant pursuant to section 37 but shall, instead, issue such document or documents as may be agreed with the relevant marketing authority and approved by the Minister;
- (c) the Board shall not operate and its functions shall be carried out by a shippers' or other committee consisting wholly or partly of nominees of the Company and of the relevant marketing authority; and
- (d) subject to subsection (2), 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 34A, being not less in the aggregate than that provided by this Act, as may be negotiated by it with the relevant marketing authority.

(2) The charges referred to in subsection (1) (d) in respect of wheat shall be such as are determined by the Company having regard to any agreement between the Company and the Board as defined in the *Wheat Marketing Act 1979*² providing for the remuneration of the Company for its services, with the exception of the remuneration to which the Company is entitled pursuant to section 34A.

[Section 51 amended by No. 64 of 1974 s.5; No. 3 of 1981 s.10; No. 115 of 1982 s.3.]

Contracts for bulk handling of grains other than wheat or barley

52. (1) The Company has the right of receiving, handling, transporting and delivering in bulk such seeds other than the seeds of wheat and barley as the Minister may approve.

(2) The Company shall at all times take and use all reasonable precautions to ensure that seeds received by it under the authority of this section are kept segregated from one another and from the seeds of wheat and barley.

(3) The provisions of sections 5, 6A, 7 to 9 inclusive, 11, 14 to 16 inclusive, 18, 31 to 33 inclusive, 35 to 38 inclusive, 43 to 50 inclusive, 51 and 53 apply, *mutatis mutandis*, to all seeds received under the authority of this section.

[Section 52 amended by No. 3 of 1981 s.11.]

Company water rate

52A. (1) Notwithstanding the provisions of any other Act or anything done or purporting to be done under any other Act, the water rate payable by the Company in respect of Area A shall be 25 per centum of the rate determined in accordance with the *Metropolitan Water Supply, Sewerage, and Drainage Act 1909*, but nothing in this section shall apply to any portion of Area A which shall be occupied as a permanent residence or upon which a permanent residence shall be erected.

(2) Subsection (1) is deemed to have come into operation on and from the commencement of the rateable year ending 30 June 1978.

(3) In this section Area A means all that piece or parcel of land contained in Rockingham Lot 1304 the subject of Special Lease 3116/5215.

[Section 52A inserted by No. 13 of 1979 s.2.]

Regulations

53. (1) The Governor may make such regulations as are contemplated or required by this Act and may make such other regulations as may, in his opinion, be necessary or convenient for giving full effect to the provisions of, and for the due administration of, this Act.

(2) Without limiting the generality of subsection (1), the Governor may make regulations for —

- (a) the conduct of bulk handling by the Company;
- (b) the method and procedure to be followed and observed by the Company in the exercise of its powers and in the conduct of its business under this Act, the records to be kept by the Company and the audit of its books and accounts;
- [(c) *deleted*]
- (d) the delivery to, and receipt by, the Company of grain in bulk, the precautions to be taken in regard to the checking of the quality and weight of grain received and ensuring that the quality of 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 6A;
- (e) the protection of charges, liens or securities over grain offered or delivered to the Company;
- (f) the delivery of grain by the Company and ensuring that proper precautions are taken to check the weight and quality of the grain delivered;
- (g) the issue of warrants in place of warrants lost or destroyed, the conditions under which 2 or more warrants may be issued in exchange for one or under which one warrant may be issued in exchange for 2 or more;

- (h) the settlement by arbitration, subject to any specific provisions of this Act, of questions and disputes arising between the Company and the holders of warrants; and
- (i) the imposition of penalties not exceeding \$2 000 for any breach of the regulations made pursuant to this section.

[Section 53 amended by No. 3 of 1981 s.12; No. 20 of 1989 s.3.]

General penalty

54. Every person guilty of an offence against this Act for which a penalty is not expressly provided is liable to a penalty not exceeding \$2 000.

[Section 54 amended by No. 20 of 1989 s.3.]

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SCHEDULE

[section 4.]

Title of Act

Bulk Handling Act 1935.

Bulk Handling Act Amendment Act 1943.

Bulk Handling Act Amendment Act 1946.

Bulk Handling Act Amendment Act 1948.

Bulk Handling Act Amendment Act 1950.

Bulk Handling Act Amendment Act 1952.

Bulk Handling Act Amendment Act 1953.

Bulk Handling Act Amendment Act 1961.

Bulk Handling Act Amendment Act 1963.



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NOTES

¹ This reprint is a compilation as at 13 September 1993 of the *Bulk Handling Act 1967* and includes all amendments effected by the other Acts referred to in the following Table⁷.

Table of Acts

Act	Number and Year	Assent	Commencement	Miscellaneous
<i>Bulk Handling Act 1967</i>	15 of 1967	20 October 1967	4 January 1968 (see <i>Gazette</i> 4 January 1968 p.1)	
<i>Bulk Handling Act Amendment Act 1971</i>	4 of 1971	13 September 1971	13 September 1971	
<i>Bulk Handling Act Amendment Act 1972</i>	45 of 1972	24 August 1972	24 August 1972	
<i>Metric Conversion (Grain and Seeds Marketing) Act 1973, Part I</i>	69 of 1973	6 December 1973	18 January 1974 (see <i>Gazette</i> 18 January 1974 p.124)	
<i>Bulk Handling Act Amendment Act 1974</i>	64 of 1974	9 December 1974	13 December 1974 (see <i>Gazette</i> 13 December 1974 pp.5320-1)	
<i>Bulk Handling Act Amendment Act 1976</i>	29 of 1976	9 June 1976	9 June 1976	
<i>Bulk Handling Act Amendment Act 1979</i>	13 of 1979	30 August 1979	30 August 1979	

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Table of Acts — *continued*

Act	Number and Year	Assent	Commencement	Miscellaneous
<i>Bulk Handling Amendment Act 1981</i>	3 of 1981	18 May 1981	4 December 1981 (see <i>Gazette</i> 4 December 1981 p.4972)	
<i>Bulk Handling Amendment Act 1982</i>	58 of 1982	22 September 1982	22 September 1982	
<i>Bulk Handling Amendment Act (No. 2) 1982</i>	115 of 1982	10 December 1982	31 December 1982 (see section 2)	
<i>Wheat Marketing Act 1984, section 14 (8)</i>	98 of 1984	11 December 1984	25 October 1984 (see section 2)	
<i>Acts Amend- ment (Financial Administration and Audit) Act 1985, section 3</i>	98 of 1985	4 December 1985	1 July 1986 (see <i>Gazette</i> 30 June 1986 p.2255)	Section 4 transitional
<i>Acts Amend- ment (Grain Marketing) Act 1987, section 11</i>	112 of 1987	19 December 1987	22 January 1988 (see <i>Gazette</i> 22 January 1988 p.109)	
<i>Agricultural Legislation (Penalties) Amendment Act 1989, section 3</i>	20 of 1989	1 December 1989	15 December 1989 (see <i>Gazette</i> 15 December 1989 p.4513)	

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Table of Acts — *continued*

Act	Number and Year	Assent	Commencement	Miscellaneous
<i>Financial Administration Legislation Amendment Act 1993, section 11</i>	6 of 1993	27 August 1993	1 July 1993 (see section 2 (1))	Section 18 transitional

² The *Wheat Marketing Act 1979* was repealed by the *Wheat Marketing Act 1984* (Act No. 98 of 1984) s.31.

³ The *Companies Act 1893* was repealed by the *Companies Act 1943* (Act No. 36 of 1943) s.4.

⁴ Now 22 Delhi Street, West Perth.

⁵ Now see *Insurance (Deposits) Act 1932* (Commonwealth).

⁶ The *Arbitration Act 1895* was repealed by the *Commercial Arbitration Act 1985* (Act No. 109 of 1985) s.3.

⁷ Marginal notes containing sectional references to the *Bulk Handling Act 1935* have been omitted from this reprint.

