

WESTERN AUSTRALIA

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BULK HANDLING ACT 1967

# **BULK HANDLING ACT REGULATIONS 1967**

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BULK HANDLING ACT 1967

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REGULATIONS 1967**

REGULATIONS

1. These regulations may be cited as the *Bulk Handling Act Regulations 1967*<sup>1</sup>.

INTERPRETATION

2. In these regulations and in the standards, unless the contrary intention appears —

“Act” means the *Bulk Handling Act 1967*;

“ball smut” in relation to —

- (a) wheat means broken or unbroken smut balls (*Tilletia caries* or *Tilletia foetida*) and flag smut (*Urocystis agropyri*);
- (b) barley means covered smut (*Ustilago hordei*);

- "barley"** means 2-row barley or 6-row barley;
- "bindweed"** means the plant *Polygonum convolvulus* Linn.;
- "bitter seeds"** means seeds of lupin varieties with an alkaloid content of more than 0.1%;
- "blue kernels"** means kernels of barley with a blue aleurone layer;
- "bored"** means having been damaged by insects;
- "brome" or "spear grass"** means seed of a plant of the genus *Bromus*;
- "cereal rye"** means seeds of the grass *Secale cereale* Linn.;
- "cotton"** means the plants of the genus *Gossypium* or parts thereof;
- "damaged kernels"** means kernels or pieces of kernels that are frosted, mouldy or otherwise materially impaired;
- "Department"** means Department of Agriculture;
- "doublegee"** means the plant *Emex australis* Steinh.;
- "drake seed"** means seeds of the plant *Lolium temulentum* L.;
- "dry green"** means ordinarily visibly green in colour but containing less than 12% of water;
- "durum wheat"** means kernels of the cereal grass *Triticum durum* Desf.;
- "eucalyptus"** means parts of plants of the genus *Eucalyptus*;
- "foreign material"** in relation to a particular seed means material other than that seed and includes husks, chaff, straw and pods, but does not include eucalyptus, foreign seeds, objectionable foreign matter or smut;

**“foreign seeds”**, in relation to a particular type of grain, means such seeds, other than the seeds of that type of grain, as are specified in the standards relating to that type of grain;

**“Form”** means a form in the Fourth Schedule to these regulations;

**“frost affected kernels”** means kernels that are ordinarily visibly discoloured or distorted as by frost;

**“grain”** includes such seeds as the Minister may, from time to time, approve under the provisions of section 52 of the Act;

**“grain sorghum”** means kernels of the cereal grass *Sorghum bicolor*;

**“grain sorghum screen”** means a sieve punched with round holes, 0.992 2 mm diameter at 1.786 mm centres, nesting on to a screen punched with triangular holes, the sides of which are 3.175 mm long, each sieve being approximately 330 mm in diameter held in a stout ring;

**“heat damaged”** means discoloured in storage;

**“heavily discoloured”** in relation to —

- (a) barley means discoloured as by moulds;
- (b) oats means ordinarily visibly and distinctly discoloured as by moulds for more than one-quarter of the length of the kernel;

**“holder”** means the holder of a warrant;

**“immature”** means not fully ripened;

**“insect”** means any animal or part thereof of the classes Insecta, Arachnida or Diplopoda;

**“iron weed”** or **“sheep weed”** means seeds of the plant *Buglossoides arvensis*;

**“kernel”**, in relation to —

- (a) barley or oats, means seed of barley or oats, as the case requires, with the husk attached; or

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- (b) sorghum or wheat, means seed of sorghum or wheat, as the case requires, with the husk removed;

**“linseed”** means seeds of the plant *Linum usitatissimum* Linn.;

**“lucerne”** means the plant *Medicago sativa* Linn. or part thereof;

**“lupins”** means seeds of the plant *Lupinus albus*, *Lupinus angustifolius* or *Lupinus luteus*;

**“maize”** means the grass *Zea mays* Linn.;

**“melilotus”** means the plant *Melilotus indicus* or any part thereof;

**“mexican poppy”** means the plant *Argemone mexicana* Linn. or part thereof;

**“mould affected”** means carrying ordinarily visible mould colonies;

**“oats”** means the kernels of the cereal grass *Avena sativa* Linn.;

**“oats screen”** means a sieve punched with slots 25.4 mm long by 1.5 mm wide, the slots and bars being equal and the sieve being approximately 330 mm in diameter and held in a stout ring;

**“objectionable foreign matter”** means earth, insects, snails, sticks, stones and any other objectionable contaminant, other than foreign material or foreign seeds, specified in the standards relating to a particular type of grain;

**“officer”** means an officer of the Company;

**“pickled”** means treated with any substance which will inhibit moulds, ball smut or smut;

**“quantity”** in relation to grain means the amount in tonnes and units of 10 kg;

**“rapeseed”** means seeds of the plant *Brassica campestris* or *Brassica napus*;

**“red”** means kernels of a natural reddish colour;

**“regulation”** means one of these regulations;

**“Rutherglen Bug”** means the insect *Nysius vinitor*;

**“safflower”** means the plant *Catharmus tinctorius* Linn.;

**“saffron thistle”** means the plant *Catharmus lanatus* Linn.;

**“Schedule”** means a Schedule to these regulations;

**“screenings”** in relation to —

- (a) oats means oats and parts of oats plants which pass through an oats screen, the sieve being held horizontally and shaken 20 times over a distance of at least 100 mm;
- (b) 6-row barley means 6-row barley kernels which pass through a 6-row barley screen the sieve being held horizontally and shaken 20 times over a distance of at least 100 mm;
- (c) 2-row barley means 2-row barley kernels which pass through a 2-row barley screen, the sieve being held horizontally and shaken 20 times over a distance of at least 100 mm;

**“6-row barley”** means kernels of the cereal grass *Hordeum vulgare* Linn.;

**“6-row barley screen”** means a sieve punched with slots, 25.4 mm long by 2 mm wide, the slots and bars being equal and the sieve being approximately 330 mm in diameter held in a stout ring;

**“skeleton weed”** means the plant *Chondrilla juncea* Linn. or part thereof;

**“skinned”** means a kernel of which the husk or part thereof has been loosened or dislodged on any portion of the kernel other than one-third of the length of the kernel when measured from the awn (distal) end;

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**“smut”** in relation to —

- (a) barley means covered smut (*Ustilago hordei*);
- (b) oats means covered smut (*Ustilago hordei*) and loose smut (*Ustilago avenae*);

**“smutted”** means carrying ordinarily visible spores of smut;

**“smut tipped”** means carrying spores of ball smut;

**“soya bean”** means a bean or part thereof of the plant *Glycine max* (Linn.) Merr.;

**“spotted”** means grain showing ordinarily visible mould colonies;

**“sprouted”** means kernels in which the covering of the germ has been split;

**“standard”** means standard notified in writing to, or adopted by, the Company under section 6A of the Act;

**“sunflower”** means a plant of the genus *Helianthus*;

**“tares”** means seeds of the plant *Vicia sativa* Linn.;

**“thorn apple”** means a plant of the genus *Datura* or part thereof;

**“2-row barley”** means kernels of the cereal grass *Hordeum distichon* Linn.;

**“2-row barley screen”** means a sieve punched with slots 25.4 mm long by 2.5 mm wide, the slots and bars being equal and the sieve approximately 330 mm in diameter held in a stout ring;

**“unmillable material”** means seeds, including whole, cracked and broken kernels of wheat, which pass through a wheat screen, unthreshed heads whether complete or not, whole or pieces of chaff, backbone, straw and wild radish;

**“variegated thistle”** means the plant *Silybum marianum* (Linn.) Gaertn. or part thereof;

**“warrant”** means a warrant issued by the Company pursuant to the Act;

**“weather damaged”** means kernels the colour of which is affected either in whole or in part as by moulds;

**“wheat”** means kernels of the cereal grasses *Triticum aestivum* L. (previously *Triticum Vulgare* Vill.) or *Triticum compactum* Host.;

**“wheat screen”** means a sieve punched with slots 12.7 mm long by 2 mm wide, the slots and bars being equal and the sieve being approximately 330 mm in diameter held in a stout ring;

**“wild lettuce”** means the plants *Lactuca saligna* Linn. or *Lactuca serriola* Linn. or parts thereof;

**“wild oats”** means seeds of the grass *Avena fatua* Linn.;

**“wild radish”** means the pods or parts thereof containing seeds of the plant *Raphanus raphanistrum* Linn.;

**“wimmera rye”** means seeds of the grass *Lolium rigidum* Gaud.

[Regulation 2 inserted in Gazette 13 June 1975 pp.1896-8;  
Erratum in Gazette 1 August 1975 p.2828; amended in  
Gazette 4 December 1981 p.5033.]

[3. Repealed in Gazette 4 December 1981 p.5033.]

#### REVENUE ACCOUNT AND BALANCE SHEET

4. (1) The Company shall in every year not later than 31 October take out a balance sheet and revenue account.

(2) The balance sheet and revenue account shall be forwarded to the Minister not later than the following 31 March.

NOMINATION OR ELECTION OF MEMBERS OF THE  
SHIPPERS' DELIVERY BOARD

5. (1) (a) Every member of the Shippers' Delivery Board including a person appointed or elected to fill a casual vacancy shall cease to hold office on 15 March next following the date of his appointment or election.

(b) The Chairman of the Board shall go out of office on 15 March next following his appointment.

(c) Every member, including the chairman, shall be eligible for re-appointment or re-election.

(d) If any casual vacancy shall occur in the Board by reason of death, resignation, or incapacity of a member, the same may be filled in the same manner as is provided for the appointment or election of members of the Board.

(2) The Governor shall as soon as possible after 15 March in each year appoint the member on the Board to represent the Port Authorities and shall cause his name to be advertised in the next convenient issue of the *Government Gazette*.

(3) The Company shall as soon as possible after 15 March in each year advise the Minister of the name of its appointee and the Minister shall thereupon cause his name to be advertised in the next convenient issue of the *Government Gazette*.

(4) The Minister, in the case of an election for the first Board, and the Board, in the case of all subsequent elections, shall appoint the returning officer and 2 scrutineers for the purpose of the election.

(5) Nominations for the position of merchants' representative shall be in writing according to Form 1, and shall be signed by the nominator or his duly authorised agent, and also by the person nominated as evidence of his consent to act or to stand for election.

(6) If only one candidate is nominated by the merchants, he shall be declared elected by the returning officer hereinafter mentioned on the date appointed for the holding of the election.

(7) If more candidates than one are nominated by the merchants, the returning officer shall cause ballot papers to be prepared, on which the names of candidates nominated by the merchants shall be printed in alphabetical order.

(8) The ballot papers prepared shall be posted or delivered by the returning officer at least 4 days before the date appointed for the holding of the election to every merchant operating in the State who is a shipper of grain.

(9) The Minister, in the case of the first Board, and the retiring Board, in the case of every subsequent Board, shall fix the date for the election to be not before nor more than 10 days after 15 March.

(10) Every merchant who votes shall —

- (a) do so by writing the numeral 1 on the ballot paper opposite the name of the candidate for whom he votes, and if there are more than 2 candidates, by writing the numeral 1 opposite the name of the candidate for whom he votes as his first preference and placing contingent votes for all the remaining candidates by writing the numerals, 2, 3 and so on (as the case requires) opposite their names so as to indicate by numerical sequence the order of his preference;
- (b) place his ballot paper in a plain envelope, seal that envelope and enclose it unmarked in another envelope addressed to the returning officer;
- (c) write his name on the form provided by the returning officer, sign the form and place it in the lastmentioned envelope in paragraph (b) of this subregulation.

(11) (a) All envelopes containing ballot papers shall be delivered or posted to reach the returning officer not later than noon on the day appointed for the holding of the election.

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(b) Every envelope posted shall be properly stamped, and, if it is not so stamped, the returning officer may refuse to accept it and the ballot paper therein contained.

(12) (a) As soon as possible after noon on the day of the election the returning officer shall open all envelopes (except the sealed envelopes containing ballot papers) in the presence of the scrutineers and shall check the names of the electors.

(b) After the returning officer is satisfied that an elector is duly qualified to vote, and that the elector has signed the accompanying form, he shall hand the sealed envelope containing the ballot paper to the scrutineers, who shall place it unopened with all other similar envelopes containing ballot papers in a ballot box provided for the purpose.

(13) The returning officer shall cause all the sealed envelopes to be removed from the ballot box, and the votes appearing on the ballot papers therein contained counted, using the preferential system of counting in the same manner as is for the time being adopted and used in connection with the election of members of the Legislative Assembly of Western Australia.

(14) If it appears to the scrutineers or either of them that any ballot paper is informal, they shall inform the returning officer, who shall examine the ballot paper and decide whether it is or is not informal.

(15) A ballot paper shall be informal —

- (a) if the elector has not in casting his vote complied in every respect with this regulation;
- (b) if the ballot paper has upon it any mark or writing which in the opinion of the returning officer would enable any person to identify the elector; or
- (c) if it does not indicate the elector's vote.

(16) The returning officer shall keep a record of the number of informal votes.

(17) As soon as the counting is completed, the returning officer shall declare the candidate who obtained the greatest number of votes (counted in the manner specified in the preceding regulations) to be elected, and shall report the result in writing to the Minister, who shall, as soon as possible after the making of the declaration, cause the name of the successful candidate to be advertised in the *Government Gazette*.

#### SPECIAL MEETINGS OF THE BOARD

6. (1) Any 2 members of the Board may by requisition addressed to the Secretary of the Board, require him to summon a special meeting of the Board, to discuss any business specified.

(2) The Secretary shall upon receiving such requisition forthwith call a special meeting of the Board specifying the business to be discussed and giving not less than 48 hours notice of the date, time and place of such meeting.

#### ENTRY OF TOLL CREDITS

7. The Company shall on or before the 31 October in each year enter both in the Foundation Toll Register and in the Port Equipment Register against the name of every grower a credit in respect of grain delivered in his name.

#### DEDUCTIONS

8. The Company may make a deduction for shrinkage on 0.5% of the total weight of the grain delivered.

*[Regulation 8 inserted in Gazette 28 March 1969 p.1135.]*

WEIGHBRIDGE TICKETS

9. Each weighbridge ticket issued by the Company shall include the —

- (a) type of grain;
- (b) number of the weighbridge ticket;
- (c) date of the receipt of the grain;
- (d) place of receipt;
- (e) full name of the grower and his postal address;
- (f) time the grain was delivered, the Gross, Tare and Nett weights of the load and the dockage on that load;
- (g) initials of the person making the delivery against time of delivery and gross weight;
- (h) grade of the grain;
- (i) signature of the grower or his representative certifying to the correctness of such particulars as are known to the grower; and
- (j) signature of the duly authorised officer of the Company certifying to the correctness of such particulars as are known to him.

WARRANTS

10. (1) Prior to the Company issuing a warrant the grower shall produce to the Company the weighbridge tickets issued in respect of his grain accompanied by a statement in writing showing —

- (a) the number of each ticket and the quantity represented thereby;

- (b) in the case of partnerships or sharefarmers requiring separate warrants in respect of each partner or sharefarmer as the case may be, the signature of each party to such requisition;
- (c) an authorization to the Company to issue the warrant or warrants required specifying the quantities to be represented on each warrant and the name or names in which they are to be issued; and
- (d) an authorisation to the Company to register the toll credits in the name or names of the grower or growers.

(2) As soon as practicable after the receipt of the statement referred to in subregulation (1) of this regulation the Company shall issue a warrant or warrants specifying —

- (a) the type of grain;
- (b) the grade of the grain;
- (c) the number of the warrant;
- (d) the date of issue;
- (e) the place of receipt of the grain;
- (f) the name in which the warrant is issued;
- (g) the full name of the grower;
- (h) the postal address of the grower;
- (i) the quantity in words and in figures represented by the warrant;
- (j) the amount of dockage;
- (k) the signature of the issuing officer;
- (l) the then existing freight or transportation charges from place of receipt to the appropriate port terminal; and

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(m) such other particulars as may be appropriate.

(3) Each warrant shall bear space for at least 3 witnessed endorsements.

*[Regulation 10 Erratum in Gazette 8 April 1968 p.930;  
amended in Gazette 4 December 1981 p.5033.]*

#### DELIVERY OF GRAIN TO THE COMPANY

11. (1) Every person growing grain for delivery to the Company shall in each year in respect to each type of grain proposed to be delivered furnish to the Company —

(a) on or before 31 July a preliminary estimate for each farm holding showing —

- (i) total hectares and location numbers of farm holding;
- (ii) total hectares of arable land;
- (iii) hectares sown to each type of grain;
- (iv) place or places where delivery is proposed to be made;
- (v) estimated quantity for delivery at each place; and
- (vi) name of grower;

and

(b) between 1 and 15 October, a final estimate showing —

- (i) hectares sown and location of each type of grain sown;
- (ii) place or places where delivery is proposed to be made;
- (iii) estimated quantity for delivery at each place; and
- (iv) name of grower.

(1a) On receipt of the preliminary estimate referred to in subregulation (1) (a) of this regulation the Company shall issue the grower with a Grain Information Acknowledgement.

(2) Every person proposing to deliver grain to the Company shall, in respect to each type of grain proposed to be delivered, furnish to the Company before tendering delivery, a statement signed by him declaring or certifying as the circumstances require, that —

- (a) the grain is of the then current season;
- (b) the grain has been or is contained only in bags or other containers, including farm implements, bulk grain motor bodies, and farm storages, that —
  - (i) had not contained any cereal or cereal product prior to containing grain of the then current season; or
  - (ii) had previously contained a cereal or cereal product but have been freed of all such cereal or cereal product and treated by adequate treatment and have not since contained any cereal or cereal product other than grain of the current season and are free of insects and vermin;
- (c) the grain has not been treated with substances for the control of insects or if so treated that the grain has been treated and the name of the substance and the nature of the treatment;
- (d) if the grain is wheat, the variety or varieties of wheat shown in that statement will be that or those, as the case requires, delivered to the receival point; and
- (e) he will ensure that the full and true particulars of the variety or varieties of wheat actually delivered by him or his representative will be set out in the written statement referred to in subregulation (4) of this regulation,

and giving the postal address of the grower of the grain.

(3) The Company shall not receive any grain from a grower or his representative unless and until —

- (a) the Grain Information Acknowledgement referred to in subregulation (1a) of this regulation has been presented to,

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and endorsed at, the receival points to which the grower wishes to present the grain for delivery; and

- (b) the statement referred to in subregulation (2) of this regulation has been received by the Company.

(4) (a) Every person tendering grain to the Company shall with each load tendered deliver or cause to be delivered to the duly authorised officer of the Company at the receival point a written statement showing in respect of the grain the —

- (i) time of delivery,
- (ii) date of delivery,
- (iii) place of delivery,
- (iv) name of the carter,
- (v) name of the grower,
- (vi) approximate quantity tendered, and
- (vii) if the grain so tendered is wheat or barley, variety or varieties thereof.

(b) The statement with the first load of each type of grain tendered in each season on account of each grower shall be signed by the grower.

(c) The Company shall not receive grain from a person until the statement required by this subregulation has been delivered.

(5) (a) Every person having grain to deliver to the Company shall, unless some other point has been nominated by the Company, deliver the grain at the Company's receival point nearest to the place where the grain was grown.

(b) The Company may decline to receive grain from any person tendering it in contravention of this subregulation.

(6) Upon grain being tendered or before a warrant is issued for any grain the Company may require the person who claims to be the

grower of the grain or to be the representative of the grower to furnish a statutory declaration setting out full details of production and ownership including the farm and location where it was grown, the name of the grower, the interest of any other person in the grain, the type of the grain and, if the grain is wheat, its variety.

*[Regulation 11 amended in Gazette 13 June 1975 p.1898;  
4 December 1981 p.5034; 30 July 1982 p.3013.]*

NOTIFICATION OF ARRANGEMENTS TO RECEIVE GRAIN AND TO  
CEASE RECEIVING GRAIN

12. (1) Prior to receiving grain at a receival point in each season, the Company shall —

- (a) where circumstances permit, 7 days before so receiving, but, in any case, at least 24 hours before so receiving, display a notice at that point specifying the date it proposes to commence receiving the type or types of grain it will receive, and the day or days of the week on which and the hours during which it will take delivery; and
- (b) cause an advertisement to be inserted in *The West Australian* newspaper, specifying the date or dates on which it proposes to commence receiving at the receival point or points named therein and the type of grain to be received.

(2) Subject to these regulations, the Company shall receive grain in accordance with the notice and advertisement pursuant to subregulation (1) of this regulation.

(3) Where circumstances so require it, the Company may commence receiving prior or subsequently to the date specified in accordance with subregulation (1) of this regulation, but shall as soon as practicable thereafter display a notice at the receival point specifying the altered date and the reason for the alteration.

[(4) *repealed*]

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(5) The Company may, because of weather conditions, cease to receive grain at any receival point at any time for such period as it considers necessary.

(6) The Company may alter the day or days on which it will receive a type or types of grain at a receival point but at least 24 hours before so altering shall display a notice at that point specifying the alteration.

(7) The Company may on posting a notice 7 days beforehand at a receival point cease receiving grain there but shall, if requested by any grower, make adequate arrangements to receive his grain.

(8) The Minister may on reasonable cause require the Company to alter the arrangements indicated by it under subregulation (1), (6) or (7) of this regulation and the Company shall obey such a requisition.

*[Regulation 12 Erratum in Gazette 8 April 1968 p.930;  
amended in Gazette 26 November 1993 p.6323.]*

LIMITATIONS ON GRAIN TO BE DELIVERED TO THE COMPANY

13. (1) A person shall not without the prior consent of the Company deliver or attempt to deliver grain that —

- (a) has been pickled;
- (b) is green or immature;
- (c) contains green material that has more than 12% of water;
- (d) is of a season other than the current season at the time of delivery;
- (e) contains insects;
- (f) includes bored kernels;
- (g) contains declared plants as defined in the *Agriculture and Related Resources Protection Act 1976*;

[(h) *deleted*]

- (i) may contaminate or reduce the average quality of other grain in the custody of the Company; or
- (j) cannot be handled in bulk.

(2) Where a person delivers grain to the Company in contravention of this regulation, he is liable to the Company for any expenses and damages that the Company sustains in consequence thereof, and the Company may separate so much of such grain from any other grain in the bin or other receptacle as is practicable and the grower is bound to pay the costs of and the costs incidental to the separation.

(3) A person who delivers or attempts to deliver grain to the Company in contravention of this regulation is, without prejudice to any right the Company may have to recover damages at law, liable to a penalty not exceeding \$1 000.

*[Regulation 13 amended in Gazette 13 June 1975 p.1898;  
4 December 1981 p.5034; 24 December 1996 p.7099.]*

#### DETERMINATION OF GRADE OR DOCKAGE AND OF DISPUTES

14. (1) Where the grower or his representative consents to the determination of grade or dockage or both at a nominated office of the Company, the officer at the point where the grain is tendered shall —

- (a) in the presence of the grower or his representative —
  - (i) draw a representative sample of not less than 2 litres;
  - (ii) divide the said sample into 2 equal sub-samples;
  - (iii) seal each sub-sample with a statement showing the relevant details in a sample bag supplied by the Company;

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- (b) fasten securely to each of the sample bags an address label showing the date, the type of grain, the name of the grower, the name of the receival point and the letter "S";
- (c) send one sub-sample to the office of the Company;
- (d) retain the other sub-sample at the receival point; and
- (e) where a weighbridge ticket is issued, mark it or cause it to be marked with the letter "S" in the space provided for marking dockage.

*[Regulation 14 amended in Gazette 13 June 1975 p.1898;  
4 December 1981 p.5034.]*

15. (1) Where the grower or his representative requires that the determination of grade or dockage or both shall be made by an officer at Perth, he shall —

- (a) complete a Form 2 in duplicate; and
- (b) as soon as it is practicable deliver the completed form in duplicate to the officer at the point where the grain was tendered.

(2) Where a grower or his representative complies with the provisions of subregulation (1) of this regulation the officer at the point where the grain is tendered shall —

- (a) in the presence of the grower or his representative —
  - (i) draw a representative sample of not less than 2 litres;
  - (ii) divide the said sample into 2 equal sub-samples; and
  - (iii) seal each sub-sample with one copy of the Form 2 in a sample bag supplied by the Company,
- (b) fasten securely to each of the sample bags an address label showing the date, the type of grain, the name of the grower, the name of the receival point and the letters "S.P.C.";

- (c) send one sub-sample to the office of the Company at Perth;  
and
- (d) retain the other sub-sample at the receival point; and
- (e) where a weighbridge ticket is issued, mark it or cause it to be marked with the letters "S.P.C." in the space provided for marking dockage.

(3) On receipt of a sub-sample sent to the office pursuant to paragraph (c) of subregulation (2) of this regulation an officer of the Company shall examine it and assess the grade and dockage or, at his discretion, require the sub-sample retained at the receival point to be forwarded and may make his assessment on the basis of either or both of the sub-samples.

*[Regulation 15 amended in Gazette 13 June 1975 p.1898.]*

**16.** (1) Where a grower or his representative requires the determination of grade or dockage or both to be made by the Department, he shall —

- (a) complete a Form 3 in triplicate; and
- (b) as soon as practicable deliver the completed form in triplicate to the officer at the point where the grain was tendered.

(2) Where a grower or his representative complies with the provisions of subregulation (1) of this regulation the officer shall —

- (a) in the presence of the grower or his representative —
  - (i) take a representative sample of not less than 3 litres;
  - (ii) divide the said sample into 3 equal sub-samples; and
  - (iii) seal each sub-sample with one copy of the Form 3 in a sample bag supplied by the Company;

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- (b) fasten securely to each of the sample bags an address label showing the date, the type of grain, the name of the grower, the name of the receival point and the letters "S.P.";
- (c) send one sub-sample to the office of the Company in Perth; and
- (d) give one sub-sample to the grower or his representative;
- (e) send the third sub-sample to the Department; and
- (f) where a weighbridge ticket is issued mark it or cause it to be marked with the letters "S.P." in the space provided for marking dockage.

(3) Where an officer gives a sub-sample to a grower or his representative pursuant to paragraph (d) of subregulation (2) of this regulation the grower or his representative shall send it together with an examination fee of \$72 to the Department.

(4) On receipt of the sub-samples sent pursuant to paragraph (e) of subregulation (2) and pursuant to subregulation (3) of this regulation, the Department —

- (a) shall examine each separately and assess the grade or dockage or both on the basis of the combined examination; and
- (b) may reject either of the sub-samples and make its assessment on the basis of the remaining sub-sample or require the sub-sample retained by the Company to be forwarded and make its assessment on the basis of any one or more of the sub-samples.

*[Regulation 16 Erratum in Gazette 8 April 1968 p.930;  
amended in Gazette 13 June 1975 p.1898; 23 September  
1983 p.3843; 17 February 1989 p.496; 7 July 1989 p.2116.]*

**Wheat sampling by officer after making determination**

**16A.** If an officer of the Company at the receival point where any wheat is tendered to the Company proposes to take under

section 43 (2a) of the Act a sample of the wheat so that the variety of the wheat may be determined, that officer shall —

- (a) inform the grower concerned, or his representative, of the purpose for which that sample is to be taken;
- (b) in the presence of the grower concerned or his representative —
  - (i) draw a representative sample of not less than 3 litres;
  - (ii) divide the sample referred to in subparagraph (i) of this paragraph into 3 equal sub-samples; and
  - (iii) seal each sub-sample referred to in subparagraph (ii) of this paragraph, together with a statement showing the relevant details, in a sample bag supplied by the Company;
- (c) fasten securely to each of the sample bags referred to in paragraph (b) (iii) of this regulation an address label showing the date, that the grain is wheat, the variety nominated by the grower concerned or his representative, the name of that receival point and the letters “SV”;
- (d) give one of the sub-samples referred to in paragraph (b) of this regulation to the grower concerned or his representative;
- (e) send one of the sub-samples referred to in paragraph (b) of this regulation to the Perth office of the Company;
- (f) send one of the sub-samples referred to in paragraph (b) of this regulation to the Australian Wheat Board so that the variety of the wheat may be determined; and
- (g) if a weighbridge ticket is issued, mark it or cause it to be marked with the letters “SV” in the space provided for marking varietal discount.

*[Regulation 16A inserted in Gazette 4 December 1981  
pp.5034-5.]*

17. (1) Where the Company makes a determination of the grade or dockage or both in accordance with regulation 14 or 15 it shall notify the grower or his representative of the determination.

(2) Where the Department makes a determination of the grade or dockage or both in accordance with regulation 16 the Department shall inform the Company and the grower or his representative, of the terms of the determination.

*[Regulation 17 amended in Gazette 4 October 1972 p.3996.]*

#### GRADES AND DOCKAGES

18. [(1) *deleted*]

(2) Samples for grades and dockages shall be drawn with a double-shelled slotted sampling spear, or if such a spear is not available, with the hand and in either case the spear or hand shall be thrust deeply into different parts of the bulk load or different bags in the load so as to collect an adequate representative sample of the whole, and when required for the assessment of dockage the sample shall be more than one-half litre in volume.

(3) Weight per hectolitre for grades and dockages shall be determined from a sub-sample of not less than one-half litre which shall include all admixtures, and such sub-sample shall be weighed on a Schopper 1 litre scale or any other instrument giving similar results.

(4) A sample of not less than one-half litre shall be used to determine the proportions of —

- (a) in the case of 6-row barley, oats or grain sorghum, screenings;
- (b) in the case of 2-row barley, 6-row barley or oats, sappy green kernels and smut;
- (c) in the case of 2-row barley or 6-row barley, ryegrass; and

(d) admixtures of —

- (i) in the case of any type of grain, foreign seeds and unwanted varieties specified in the standards relating to that type of grain;
- (ii) in the case of wheat, unmillable material;
- (iii) in the case of 2-row barley, 6-row barley or oats, sappy green material; and
- (iv) in the case of 2-row barley, foreign material.

(5) A sample of approximately one-half litre, adjusted to the weight of one-half litre of grain having a bulk density of 70 kg per hectolitre by adding or subtracting, as the case requires, from that sample, shall be used to determine the proportion by mass —

- (a) in the case of 2-row barley, of screenings;
- (b) in the case of lupins, of foreign material.

(6) An inspection of each load shall be made to determine —

- (a) in the case of any type of grain, the presence or absence of kernels or seeds, as the case requires —
  - (i) which are sprouted, immature, damaged or affected in such manner or to such extent as is specified; and
  - (ii) for which no tolerance is permitted,in the standards relating to that type of grain;
- (b) in the case of any type of grain other than rapeseed or linseed, the presence or absence of admixtures of objectionable foreign matter;
- (c) in the case of rapeseed or linseed, the presence or absence of admixtures of objectionable foreign matter other than Rutherglen Bugs;

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- (d) in the case of any type of grain, the moisture content of that load;
  - (e) in the case of 2-row barley, the variety thereof;
  - (f) in the case of any type of grain, the presence or absence of admixtures of foreign seeds for which no tolerance is permitted in the standards relating to that type of grain; and
  - (g) in the case of wheat, the presence or absence of green immature material.
- (7) The proportions of kernels or seeds, as the case requires —
- (a) which are sprouted, immature, damaged or affected in such manner or to such extent as is specified; and
  - (b) for which some tolerance is permitted,

in the standards relating to the type of grain concerned shall be determined by using a sub-sample of not less than —

- (c) in the case of wheat, oats or grain sorghum, 500 kernels;
  - (d) in the case of 2-row barley or 6-row barley and subject to subregulation (8) (a) of this regulation, 400 kernels;
  - (e) in the case of lupins, 600 seeds; and
  - (f) in the case of rapeseed or linseed and subject to subregulation (8) (c) of this regulation, 15 grams.
- (8) A sub-sample of not less than —
- (a) in the case of 2-row barley, 200 kernels shall be used to determine the proportion of —
    - (i) skinned and broken kernels; or
    - (ii) kernels or other varieties of barley;

- (b) in the case of oats, 2 000 kernels shall be used to determine the proportion of admixture of brome;
- (c) in the case of rapeseed, 1 000 seeds shall be used to determine the proportion of heat damaged seeds;
- (d) in the case of oats, 500 kernels shall be used to determine the proportion of foreign material;
- (e) in the case of 6-row barley, 400 kernels shall be used to determine the proportion of foreign material; and
- (f) in the case of rapeseed or linseed, 100 grams shall be used to determine the proportion of foreign material and Rutherglen Bugs.

(9) A grower shall, before delivering any rapeseed to the Company, submit a representative sample of not less than one litre of the rapeseed to the Company for the purpose of determining the proportion of erucic acid in the oil of the rapeseed.

*[Regulation 18 inserted in Gazette 13 June 1975 pp.1898-9; Erratum in Gazette 1 August 1975 p.2829; amended in Gazette 4 December 1981 pp.5035-6.]*

**REQUEST FOR DELIVERY OF GRAIN SCHEDULING  
AND SURRENDERING WARRANTS**

**19.** (1) Every holder of a warrant desiring to obtain grain from the Company shall —

- (a) submit a written request accompanied by the warrant or warrants in respect of which the delivery is required;
- (b) submit a list specifying the —
  - (i) type of grain,
  - (ii) number or numbers of the warrant or warrants,
  - (iii) name of the grower or growers,

- (iv) place or places at which the grain was delivered,
  - (v) quantity represented by each warrant,
  - (vi) dockage shown on each warrant,
  - (vii) quantity delivered at each place,
  - (viii) transport rate from each such place,
  - (ix) total amount of transport charges from each such place,
  - (x) place of delivery by the Company,
  - (xi) quantity desired daily, and
  - (xii) date at which it is desired delivery by the Company shall commence;
- (c) submit a summary sheet showing in respect to each page of the list mentioned in paragraph (b), of this subregulation —
- (i) total quantity of grain represented by the warrant or warrants,
  - (ii) total amount of dockage,
  - (iii) total of the transport charges, and
  - (iv) amount to be paid by the warrant holder in respect to each and every charge authorised by the Act;
- (d) pay to the Company —
- (i) the toll in respect of the warrant or warrants together with all other charges and dockages that are ascertainable in the particular case; and
  - (ii) subject to later adjustment between the holder and the Company the amount of charges that are not definitely ascertainable on the date of the surrender

of the warrant as calculated by the Company to the date on which it is then expected that the quantity of grain will be actually delivered;

and

- (e) where he requires grain that has been received in a recognised railway zone to be delivered to a point in some other recognised railway zone, pay the Company, in addition to the cost of transport and applicable prescribed charges, such additional charges as the Company may reasonably incur in delivering the grain from the receipt point to the particular place of delivery.

(2) To facilitate the delivery of grain in the early stages of a season the Company may waive the provisions of subregulation (1) of this regulation and supply grain without the surrender of warrants on specified conditions including a time for the later surrender of the warrants, but in that case the Company may require the holder desiring such delivery to give an undertaking secured by a bond and guarantee to secure the surrender of the warrants within the time specified by the Company and the performance of any other specific conditions.

(3) The Company shall as nearly as practicable commence and maintain delivery in accord with the request by the holder.

*[Regulation 19 Erratum in Gazette 8 April 1968 p.930.]*

#### DESTINATION OF GRAIN

20. Subject to section 15 of the Act, the Company shall deliver grain at any railway station or port in the State as required by the holder of the warrant, but subject to regulation 21, is not obliged to deliver grain from the particular point of receipt as shown on the warrant.

#### DELIVERY FROM PLACE OF RECEIVALS

21. (1) Where the holder of a warrant in respect of grain received by the Company at any receipt point before 15 March in any season notifies the Company within 7 days after the issue of the warrant that

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the holder desires the Company to deliver to the holder grain from the place of receipt, the Company shall deliver to the holder grain from that particular place except where —

- (a) the holder and the Company agree to a different place of delivery;
- (b) the Company has made adequate provision at some other convenient place to deliver to the holder grain from the same district as the place of receipt; or
- (c) the holder does not *bona fide* require the grain for processing requirements in his own business.

(2) Notwithstanding subregulation (1) of this regulation the Company is not obliged to hold grain after 30 April in the season in which it is received.

**QUANTITY OF GRAIN ON DELIVERY**

**22.** The holder of a warrant shall accept the weight on the warrant to the nearest practical unit of measurement.

**DELIVERY OF GRAIN FOR SHIPMENT**

**23.** (1) Where the holder of a warrant requires grain to be delivered to a vessel at a port the following conditions shall subject to regulation 22 apply —

- (a) the holder shall berth vessels with all reasonable despatch at a bulk loading berth nominated by the Company;
- (b) the Company shall deliver and the holder shall accept the grain with all reasonable despatch and in any case, subject to section 15 of the Act, at a rate of not less than 1 000 tonnes in an ordinary weather working day of 8 hours;

- (c) the Company and the holder shall observe the roster drawn up by the Board;
- (d) the Board may require overtime to be worked for the delivery or loading of grain;
- (e) the Company shall at the request of the holder provide bagged grain for such purposes as are usual in connection with the bulk loading of grains;
- (f) on completion of the bulk loading the holder shall, on being requested to do so, forthwith move the vessel;
- (g) the Company completes delivery in the case of bulk grain when the grain passes out of the spout over the ship's hold and in the case of bagged grain when the grain is delivered over ship's rail.

(2) When work is performed in accordance with the conditions prescribed in subregulation (1) of this regulation the following further conditions shall apply —

- (a) liability for payment for overtime shall be settled by agreement between the parties;
- (b) if any delay occurs because the Company is unable to deliver or the holder of the warrant is unable to receive grain in accordance with the Board's directions, the party at fault shall pay to the other party any extra charges reasonably incurred; and
- (c) where the holder of a warrant requires the Company to provide bagged grain the holder of the warrant shall —
  - (i) pay the Company the cost of bagging grain;
  - (ii) receive and place bagged grain on board ship without unduly interfering with the continuity of bulk loading; and
  - (iii) reimburse the Company for all expenses incurred by reason of a breach of this paragraph.

(3) Where any dispute arises in the performance of the terms of this regulation it shall be referred to arbitration.

*[Regulation 23 amended in Gazette 13 June 1975 p.1899.]*

DELIVERY OF GRAIN OTHER THAN FOR SHIPMENT

24. Where the holder of a warrant requires the grain to be delivered other than to a vessel at a port —

- (a) the weight of the grain delivered shall be as ascertained at a place as near as practically convenient to the place of delivery required by the holder;
- (b) the Company shall with all reasonable despatch load and consign to the place of delivery and in such daily quantities as the holder may require, but where, at the option of the Company, delivery is made from a store in the metropolitan area the holder shall provide or cause to be provided the necessary road transport and the Company shall with all reasonable despatch load such transport; and
- (c) the holder shall take delivery of grain in rail road trucks without delay and in the time prescribed by railway or other regulations as the case requires, and if he fails in this respect he shall pay to the Company such costs as are incurred by the Company by reason of such failure.

COMPANY MAY SELL IF DELIVERY NOT TAKEN  
BEFORE 30 SEPTEMBER

25. (1) Where a warrant holder does not take delivery of grain on or before 30 September next following the receipt of the grain in respect of which the warrant was issued the Company may —

- (a) retain the grain in storage until a date specified by the Company at a rate of storage to be fixed by the Company but so that —
  - (i) in relation to wheat — the rate does not exceed \$1.10 per tonne per week; and

- (ii) in relation to any other grain or seed — the rate does not exceed such an 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;

or

- (b) where no date is specified,
  - (i) remove such grain, at any time after the said 30 September, from the storage in which it is stored to any other storage,
  - (ii) hold the grain in such other storage until it is taken by the warrant holder, and
  - (iii) charge the warrant holder all extra costs incidental to such removal and storage;
- (c) where the Company removes grain from storage pursuant to the provisions of subparagraph (i) of paragraph (b) of this subregulation its obligations in relation to the care of the grain shall, except in the case of deliberate mishandling on the part of its servants, thereupon cease.

*[Regulation 25 amended in Gazette 13 June 1975 p.1899.]*

**26.** Where the Company elects to sell grain after 30 September, next following its receipt, it —

- (a) may sell it in one or more parcels, in one or more different sales, or separately or together with any other grain —
  - (i) by public tender advertised in the public press;
  - (ii) at market price as defined by section 16 of the Act; or
  - (iii) at the best price the Company can obtain inside or outside the State;

and may do all things necessary and incidental to complete such a sale or sales;

- (b) may deduct from the proceeds of the sale or sales the tolls and other charges and levies that would have been payable by the holder of the warrant on its surrender on 30 September together with a storage charge that —
  - (i) in relation to wheat — does not exceed \$1.10 per month or part thereof; and
  - (ii) in relation to any other grain or seed — does not exceed such an 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, from that date until the date the buyer of the grain takes delivery of it and any other expenses incurred in transporting and selling the grain;
- (c) shall hold the balance of the proceeds of the sale or sales on account of the holder of the warrant against surrender thereof to the Company, but subject to the rights and claims of encumbrancers and of the holders of any other claims or interest in the grain and of persons entitled to the proceeds of the sale of the grain;
- (d) may delay accounting for the proceeds of the sale or sales of the grain until it has sold all the grain in store after 30 September that it is empowered to sell but where it so delays it shall —
  - (i) place in a trust account the proceeds of each sale as and when received,
  - (ii) deduct from the amount in the trust fund after all sales the expenses and charges common to those sales,
  - (iii) credit to the holder of each warrant representing part of all that grain sold, a proportion of the remainder of the money in trust equal to the proportion that the part of the grain sold represented by the warrant bears to all the grain sold,

- (iv) deduct from the amounts credited to each holder the tolls, charges and levies, and dockages mentioned in his warrant,
- (v) hold on account of each holder the balance of the amount credited to him against the surrender of his warrant to the Company but subject to the rights and claims of encumbrancers and of the holders of any other claims or interests in the grain represented in the warrant and of persons entitled to the proceeds of the sale of that grain.

*[Regulation 26 amended in Gazette 13 June 1975 p.1899.]*

#### QUANTITY OF GRAIN ON DELIVERY

27. (1) The Company shall, subject to allowances for dockage, deliver to the holder of a warrant or on his behalf and at his direction, grain of the type corresponding with, and of a grade at least equal to, that in respect of which the warrant was issued but grain shall be deemed of that type and equal to that grade if —

- (a) where the grain is delivered for shipment, a running bulk sample of each shift worked in loading the grain into a vessel; or
- (b) where the grain is delivered other than for shipment, a running bulk sample of each truck or container in which the grain is delivered,

is of that type and equal to that grade.

(2) A representative of the Company and the holder or his agent shall, at the time of delivery, assess the grade and dockage in accordance with regulation 18.

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DISPUTES AS TO QUALITY ON DELIVERY BY THE COMPANY —  
DRAWING OF SAMPLE

28. Where a dispute arises between the holder and the Company as to the quality or condition of grain they shall —

- (a) take jointly a representative sample and seal a reasonable portion of the sample, as required by the arbitrators or the Department as the case may be, in a stout envelope or container;
- (b) where the grain is tendered for shipment forward the sealed portion to the arbitrators; and
- (c) where the grain is tendered for other than shipment forward the sealed portion to the Department subject to prior payment by the holder to the Department of a fee of \$94 for inspection of that portion by an officer of the Department on condition that if the officer decides against the Company the Company shall reimburse the holder for the amount of the fee.

*[Regulation 28 amended in Gazette 25 September 1981 p.4158; 17 February 1989 p.496; 7 July 1989 p.2116; 17 August 1990 p.4069; 24 July 1992 p.3612; 17 September 1993 p.5045; 24 June 1994 p.2834; 21 July 1995 p.3062; 3 September 1996 p.4373.]*

LOST WARRANTS

29. Where a warrant holder requires a replacement of a warrant lost or destroyed —

- (a) the holder shall —
  - (i) procure from some person or persons acceptable to the Company an indemnity in accordance with Form 4 or in any other form required by the Company; and

- (ii) make in accordance with Form 5 and produce to the Company a statutory declaration of the circumstances attendant upon the loss or destruction;
- and
- (b) where the holder complies with the requirements of paragraph (a) of this subregulation the Company shall —
    - (i) at the cost of the holder advertise the loss or destruction in “The West Australian” newspaper and give notice in that advertisement that it intends, after the expiration of a specified time, to issue a warrant in place of the warrant lost or destroyed; and
    - (ii) if at the expiration of the time specified in item (i) of this paragraph the warrant has not been discovered, issue to the holder, on payment by him of a fee of \$2 a warrant of a separate series to the warrant lost or destroyed stating on the face of it that it is issued in substitution for the warrant lost or destroyed.

ISSUE OF A NUMBER OF WARRANTS IN EXCHANGE  
FOR ONE WARRANT

**30.** (1) A holder requiring 2 or more warrants in exchange for one warrant shall submit the warrant to the Company together with a request in writing for the issue of separate warrants, a fee of \$2, and a list showing the —

- (a) number of warrants required;
- (b) quantity of grain (being not more in total than shown on the surrendered warrant) to be represented by each;
- (c) name or names in which the warrants are to be issued;
- (d) dockage (being not less in total than the dockage shown on the surrendered warrant) to be shown on each; and
- (e) such other particulars as are applicable.

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(2) Where a holder complies with the requirements of subregulation (1) of this regulation the Company shall forthwith —

- (a) cancel the warrant submitted; and
- (b) issue to the holder warrants of a separate series to the warrant submitted and clearly stating on the face of each warrant then issued that it is issued in a specified part substitution of the warrant submitted.

#### COMPOSITE WARRANTS

**31.** (1) A holder of warrants representing a single type of grain grown by one grower and delivered at one particular place, requiring one warrant in exchange for such warrants, shall submit the warrants to the Company together with a request in writing for the issue of a composite warrant, a fee of \$2 and a list showing the —

- (a) numbers of the warrants,
- (b) type of grain,
- (c) grower,
- (d) place of delivery,
- (e) quantities represented by each warrant,
- (f) amount of dockage appearing on each warrant, and
- (g) such other particulars as are applicable.

(2) Where a holder complies with the requirements of subregulation (1) of this regulation the Company shall forthwith —

- (a) cancel the warrants submitted; and
- (b) issue to the holder a warrant of a separate series to the warrants submitted and clearly stating on the face of it that it is a composite warrant in substitution for the warrants submitted.

ARBITRATION

**32.** Subject to the express provisions of this Act and those regulations, if a dispute arises between the Company and the holder of a warrant concerning the performance or observance by either party of the provisions of the Act or the regulations, the matters and all questions incidental thereto shall be referred to arbitration under the provisions of the *Arbitration Act 1895*.

*Bulk Handling Act Regulations 1967*

Sch. 4

*[First Schedule repealed in Gazette 4 December 1981 p.5036.]*

*[Second Schedule repealed in Gazette 4 December 1981 p.5036.]*

*[Third Schedule repealed in Gazette 28 March 1969 p.1135.]*

**Fourth Schedule**

**Form 1**

*Bulk Handling Act 1967*

**NOMINATION FORM (ELECTION OF MERCHANTS'  
REPRESENTATIVE TO SHIPPERS' DELIVERY BOARD)**

To the Returning Officer,  
for the Election of Merchants' Representative  
on the Shippers' Delivery Board.

Dear Sir,

The undersigned, being a merchant operating in this State as a shipper of grain, hereby nominates ..... of ..... in the State of Western Australia, to stand for election as a representative of the merchants operating in this State who are shippers of grain.

Dated this ..... day of ..... 19. ....

.....  
Signature of nominating merchant or his authorised agent.

\_\_\_\_\_

I, the abovenamed candidate, do hereby consent to stand for election as a representative of the merchants operating in this State who are shippers of grain.

Dated this ..... day of ..... 19. ....

.....  
Signature of Candidate.

\_\_\_\_\_

**Form 2**

*Bulk Handling Act 1967*

**NOTICE DISPUTING ASSESSMENT OF GRADE AND DOCKAGE**  
(Determination by Company)

Co-operative Bulk Handling Limited,  
PERTH.

I/we ..... dispute the assessment of  
(Name of Grower)  
grade and dockage/grade/dockage\* on a quantity of my grain details of  
which are as hereunder and require that the grade and  
dockage/grade/dockage\* shall be determined at the registered or other  
office of the Company in accordance with subsection (5) of Section 43 of  
the *Bulk Handling Act 1967*.

.....  
Signature of Grower or Grower's Representative.

\_\_\_\_\_

**DETAILS OF GRAIN**

Type of grain .....  
Tendered at ..... (Place) on ..... (Date)  
Quantity ..... tonnes.  
Weighbridge Ticket No. ....  
Grade and dockage/Grade/Dockage\* determined by Company  
Officer  
.....

\_\_\_\_\_  
\* Cross out which does not apply.

*Bulk Handling Act Regulations 1967*

Sch. 4

**Form 3**

*Bulk Handling Act 1967*

**NOTICE DISPUTING ASSESSMENT OF GRADE AND DOCKAGE**  
(Determination by Department of Agriculture)

Co-operative Bulk Handling Limited,  
PERTH.

I/we ..... dispute the assessment of  
(Name of Grower)  
grade and dockage/grade/dockage\* on a quantity of my grain  
details of which are as hereunder and require that the grade and  
dockage/grade/ dockage\* shall be determined by an officer of the  
Department of Agriculture in accordance with subsection (5) of  
Section 43 of the *Bulk Handling Act 1967*.

Signature of .....  
Signature of Grower or Grower's Representative.

**DETAILS OF GRAIN**

Type of grain .....  
Tendered at ..... (Place) on ..... (Date)  
Quantity ..... tonnes.  
Weighbridge Ticket No. ....  
Grade and dockage/Grade/Dockage\* determined by Company  
Officer  
.....

To be furnished in triplicate.

---

\* Cross out which does not apply.

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**Form 4**

*Bulk Handling Act 1967*

**INDEMNITY FOR LOST WARRANT**

Co-operative Bulk Handling Limited,  
PERTH.

In consideration of your issuing a further warrant to .....  
of ..... for ..... tonnes  
of ..... delivered at .....  
in lieu of Warrant No. ...., and which Warrant has been lost,  
as set out in the Statutory Declaration hereto annexed, and signed by  
the said .....  
I/we hereby hold you indemnified and free from all liability of claims  
that may be made upon you in respect of such grain and I/we also  
indemnify you against any costs or expenses you may incur owing to  
any such further claim which may be made.

I/We further undertake that, should the said Warrant No. .... be  
recovered it will be returned to you immediately by .....  
for cancellation.

Dated at ..... this ..... day of ....., 19 .....

Signed. ....

Witness ..... J.P.

\_\_\_\_\_

**Form 5***Bulk Handling Act 1967***DECLARATION OF LOSS**

I/We ..... of .....  
 in the State of Western Australia, do solemnly and sincerely declare as  
 follows: —

1. I am/We are the owner of Warrant No. ....  
 issued in the name of ..... for .....  
 ..... tonnes delivered in the names  
 of ..... at ..... Co-operative  
 Bulk Handling  
 Limited.

2. The said Warrant has been lost by me/us and I/we have  
 been unable to find it.

3. I/We have never at any time parted with the possession of  
 the said Warrant to any person or persons whomsoever, nor have  
 I/we transferred the said Warrant to any person or persons, or  
 mortgaged or charged the same to any person or persons for any  
 moneys advances or other consideration.

And I/we make this solemn declaration by virtue of Section 106 of  
 the *Evidence Act 1906*.

Declared at ..... in the said State this  
 ..... day of ..... 19.....

Before me ..... J.P.  
 (10c Duty Stamp.)

A fee of \$2 is payable to Co-operative Bulk Handling Limited, in  
 connection with the above.

[*Fourth Schedule amended in Gazette 13 June 1975 p.1904.*]

## *Bulk Handling Act Regulations 1967*

### NOTES

<sup>1</sup> This reprint is a compilation as at 25 June 1997 of the *Bulk Handling Act Regulations 1967* and includes the amendments effected by the regulations referred to in the following Table.

**Table of Regulations**

Regulation	Gazettal	Commencement	Miscellaneous
<i>Bulk Handling Act Regulations 1967</i> Erratum	4 January 1968 pp.2-24 8 April 1968 p.930	4 January 1968	
<i>Amending regulations</i>	14 January 1969 pp.147-8	14 January 1969	
<i>Amending regulations</i>	6 February 1969 p.488	6 February 1969	
<i>Amending regulations</i>	28 March 1969 p.1135	28 March 1969	
<i>Amending regulations</i>	12 August 1970 p.2550	12 August 1970	
<i>Amending regulations</i>	16 December 1970 p.3792	16 December 1970	
<i>Amending regulations</i>	4 October 1972 p.3996	4 October 1972	
<i>Amending regulations</i> Erratum	13 June 1975 pp.1896-1904 1 August 1975 pp.2828-9	13 June 1975	
<i>Bulk Handling Amendment Regulations 1981</i>	25 September 1981 p.4158	25 September 1981	
<i>Bulk Handling Amendment Regulations 1981</i>	4 December 1981 pp.5033-6	4 December 1981	
<i>Bulk Handling Amendment Regulations 1982</i>	30 July 1982 p.3013	30 July 1982	
<i>Bulk Handling Amendment Regulations 1983</i>	23 September 1983 p.3843	23 September 1983	

*Bulk Handling Act Regulations 1967*

Regulation	Gazettal	Commencement	Miscellaneous
<i>Bulk Handling Amendment Regulations 1989</i>	17 February 1989 p.496	17 February 1989	
<i>Bulk Handling Amendment Regulations (No. 2) 1989</i>	7 July 1989 p.2116	7 July 1989	
<i>Bulk Handling Amendment Regulations 1990</i>	17 August 1990 p.4069	17 August 1990	
<i>Bulk Handling Amendment Regulations 1992</i>	24 July 1992 p.3612	24 July 1992	
<i>Bulk Handling Amendment Regulations 1993</i>	17 September 1993 p.5045	17 September 1993	
<i>Bulk Handling Amendment Regulations (No. 2) 1993</i>	26 November 1993 p.6323	26 November 1993	
<i>Bulk Handling Amendment Regulations 1994</i>	24 June 1994 p.2834	1 July 1994 (see regulation 2)	
<i>Bulk Handling Amendment Regulations 1995</i>	21 July 1995 p.3062	21 July 1995	
<i>Bulk Handling Amendment Regulations 1996</i>	3 September 1996 p.4373	4 September 1996 (see regulation 2)	
<i>Bulk Handling Amendment Regulations (No. 2) 1996</i>	24 December 1996 p.7099	24 December 1996	