

## GRAIN POOL

23<sup>o</sup> Geo. V., No. LIV.

No. 54 of 1932.

[As amended by Acts :

No. 61 of 1948, assented to 21st January, 1949 ;  
No. 81 of 1948, assented to 26th January, 1949 ;  
No. 32 of 1949, assented to 25th October, 1949 ;  
No. 61 of 1956, assented to 27th December, 1956 ;  
No. 67 of 1961, assented to 28th November, 1961 ;  
No. 18 of 1962, assented to 1st October, 1962 ;

and reprinted pursuant to the Amendments Incorporation Act, 1938.]

**AN ACT** to constitute and incorporate the Trustees of The Grain Pool of W.A. ; to regulate the appointment of the Trustees ; to define their powers and authorities ; and for other purposes incidental thereto.

Amended by  
No. 18 of 1962,  
s. 2.

[Assented to 30th December, 1932.]

**BE** it enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of Western Australia, in this present Parliament assembled, and by the authority of the same, as follows :—

1. (1) This Act may be cited as the *Grain Pool Act, 1932-1962*,<sup>1</sup> and shall come into force on a day to be fixed by proclamation.

<sup>1</sup> Formerly the Wheat Pool Act, 1932-1956

Short title and  
commencement.  
Amended by  
No. 61 of 1956,  
ss. 1 and 2.  
No. 67 of 1961,  
s. 1.  
No. 18 of 1962,  
s. 3

(2) A day not having been fixed by proclamation, pursuant to subsection (1) of this section, for the coming into operation of this Act, and the Corporation, Firm, growers, Growers' Council, Trustees, and other bodies and persons having, in good faith and on the erroneous assumption that this Act was then in operation, done, suffered, or permitted, acts, matters and things, which, had this Act then been in operation would have been valid and effective, or subject to the operation of any provision of this Act, it is hereby expressly enacted—

- (a) that Act No. 54 of 1932 shall be deemed to have been proclaimed to come into operation, and to have come into operation, on the day on which that Act was assented to, namely the thirtieth day of December, one thousand nine hundred and thirty-two; and
- (b) that all acts, matters, and things, so done, suffered, or permitted, shall be deemed to be, or to have been, as valid and effective, or if the case requires, subject to any relevant provision of this Act, in all respects as if when so done, suffered or permitted, this Act had in fact been in operation, and are hereby ratified and confirmed.

Change of  
name of  
body  
corporate.  
Added by  
No. 18 of 1962,  
s. 3.

1A. (1) On the coming into operation of the Grain Pool Act Amendment Act, 1962, the body corporate constituted under the Grain Pool Act, 1932, under the name of "The Trustees of the Wheat Pool of Western Australia" is preserved and continues in existence as a body corporate under and subject to the provisions of this Act under the name of "The Grain Pool of W.A.," but so that the corporate identity of the body corporate and its rights, powers, liabilities and duties shall not be affected.

(2) A reference—

- (a) in a law of the State; and
- (b) in any document,

in force immediately before the coming into operation of the Grain Pool Act Amendment Act, 1962, to The Trustees of the Wheat Pool of Western Australia shall be read as a reference to The Grain Pool of W.A.

2. In this Act the following words shall have the meanings stated, unless the contrary intention appears :—

Interpretation.  
Amended by  
No. 61 of 1948,  
s. 2.  
No. 67 of 1961,  
s. 2.  
No. 18 of 1962,  
s. 4.

“ Corporation ” means The Grain Pool of W.A. constituted under this Act.

“ Firm ” means the firm registered under the Registration of Firms Act, 1897,<sup>1</sup> under the style of “ The Trustees of the Wheat Pool of Western Australia.”

“ Growers ” means growers of wheat or oats in Western Australia.

“ Growers’ Council ” means the Growers’ Council referred to in and as from time to time constituted in accordance with the rules in the Schedule to this Act.

“ Trustees ” means the persons who shall for the time being be members of the corporation hereby constituted.

3.<sup>\*</sup> (1) Alexander Joseph Monger, of York, farmer ; Charles Walter Harper, of Guildford, farmer ; John Smith Teasdale, of Belka, farmer, and Thomas Henry Bath, of Tammin, farmer, and their successors appointed from time to time in manner hereinafter provided shall be a body corporate named “ The Grain Pool of W.A.” with perpetual succession and a common seal.

Incorporation  
and general  
powers.  
Amended by  
No. 18 of 1962,  
s. 5.

(2) The Corporation may sue and be sued, submit to arbitration, own, hold, and dispose of all kinds of property, and enter into and carry out such contracts and do, exercise, and suffer such other acts, powers, and things as may be necessary or convenient for the purposes hereinafter mentioned.

(3) Excepting as hereinafter provided the Corporation shall always consist of four Trustees, but shall not be in any way incapacitated from exercising its rights and powers by reason of there being at any time less than four Trustees.

<sup>1</sup> Repealed by Business Names Act, 1943, which was repealed by Business Names Act, 1962

*Proceedings of Trustees.***Meetings of Trustees.**

4. (1) The Trustees shall meet together for the transaction of business at such times and places as they may from time to time determine.

(2) Any two Trustees (present personally or by proxy) shall constitute a quorum at any meeting of the Trustees.

(3) The Trustees shall cause to be kept correct minutes of all their meetings.

(4) The Trustees may from time to time appoint one of their number to be chairman.

(5) The chairman, when present, shall preside at any meeting of the Trustees. In the absence of the chairman the Trustees present shall appoint a deputy chairman, who shall preside at that particular meeting of the Trustees.

(6) All questions arising at any meeting of the Trustees shall be decided by the votes of the majority of those present in person or by proxy; but, in the case of equality of voting, the person presiding for the time being shall have a casting as well as a deliberative vote.

**Validation of acts of Trustees.**

5. (1) No act or proceeding of the Trustees shall be invalid or illegal in consequence only of the number of the Trustees not being complete at the time of such act or proceeding.

(2) All acts and proceedings of the Trustees shall, notwithstanding the discovery of any defect in the appointment of any Trustee, or that any Trustee was disqualified or dis-entitled to act, be as valid as if every such Trustee had been duly elected or appointed and was qualified and entitled to act and had acted as a Trustee, and as if the Corporation had been properly and fully constituted.

6. Any Trustee who shall be about to absent himself from the place at which meetings of the Trustees are usually held or who shall, through illness or any cause whatsoever, be unable to act, shall be entitled by writing under his hand to delegate to any other of the Trustees as his proxy Trustee, all powers, rights, and discretions vested in him as a Trustee. Such delegation shall cease and determine on the return of the said Trustee, or at the cessation of his disability, notwithstanding that the period for which the proxy was appointed shall not have expired. Any such appointment may be renewed from time to time, or any fresh appointment may be made, and any such appointment may be revoked at pleasure and a fresh appointment made.

Trustees' power of delegation.

*Election and Retirement of Trustees*

7. On the thirtieth day of September in each year, commencing on the thirtieth day of September, 1933, one Trustee shall retire from office and his place shall be filled by a person elected by the Growers' Council at its meeting in the month of July in the year of such retirement. The new Trustee so elected shall take office from the date of the retirement of the retiring Trustee. If for any reason the Growers' Council does not elect a new Trustee, or if any new Trustee, having been elected, is unable to take office for any reason, the Trustee whose turn it is to retire shall retain his office until a new Trustee has been elected and assumes office.

New Trustees.

8. The Trustee to retire in the years 1933, 1934, and 1935 shall be such of the original Trustees as may be agreed upon amongst themselves or otherwise be decided by lot. After the year 1935 the Trustee to retire shall be the Trustee who has been longest in office since the date of his appointment or election, or, if he has been re-elected, since the date of his re-election.

Retiring Trustees.

9. Any retiring Trustee shall be eligible for election or re-election.

Trustees' re-eligibility.

Trustee  
vacating  
office.

10. The office of any Trustee shall become vacant by reason of :—

- (a) his absence from more than two consecutive regular meetings of the Trustees, unless he shall obtain the consent of the remaining Trustees to absent himself therefrom ;
- (b) his becoming of unsound mind or being declared under any law for the time being relating to lunacy, incapable of managing his affairs ;
- (c) his becoming bankrupt or taking the benefit of any Act for the relief of bankrupt or insolvent debtors ;
- (d) his resignation,

and the Governor may remove a Trustee on the ground of misbehaviour or incapacity.

Procedure on  
death or  
retirement of  
Trustees.

11. In the event of any Trustee dying or for any reason ceasing to be a Trustee, the surviving or remaining Trustees may in their discretion appoint some other person to be approved of by the Growers' Council, to act in the place of the Trustee so dying or ceasing to be a Trustee, and any person so appointed shall be deemed to be one of the Trustees and shall have all the powers and authorities of the Trustee in whose place he shall have been appointed, and shall hold office for such period as the Trustee so dying or ceasing to be a Trustee as aforesaid would have held office had such office not become vacant. A certificate by the secretary or acting secretary of the Corporation as to such appointment shall be deemed sufficient evidence to all persons and in all courts that such appointment has been duly made and that the person named therein is one of the Trustees. Provided further, that so long as there are three Trustees in office it shall not be necessary to make any temporary appointment of a Trustee pending a meeting of the Growers' Council, but such three Trustees shall be deemed competent to act for all purposes.

*Remuneration of Trustees.*

12. The Trustees shall be entitled to such remuneration as shall from time to time be fixed by the Growers' Council. Any sum so fixed shall be exclusive of payments to which the Trustees may be respectively entitled for expenses incurred by them or any of them in and about the performance of their duties.

Growers' Council to fix Trustees' remuneration.

*Indemnity of Trustees and others.*

13. (1) Every Trustee, secretary and other officer or servant of the Corporation shall be indemnified by the Corporation against all costs, losses, and expenses which any such Trustee, secretary, officer or servant may incur, pay, or become liable for by reason of any contract entered into or act or thing done by him in the discharge of his duties, and the Corporation shall pay all such costs, losses, and expenses out of the assets and funds in its possession.

Officers of Corporation indemnified from losses, etc.

(2) A Trustee, secretary or other officer of the Corporation shall be chargeable only for moneys, securities, and property actually received by him notwithstanding his signing any receipt for the sake of conformity, and shall be answerable and accountable only for his own acts, receipts, neglects, or defaults, and not for those of any other Trustee, secretary, or officer of the Corporation, nor for those of any banker, broker, or other person with whom any moneys, securities, or property vested in or held by the Corporation may be deposited, nor for the insufficiency or deficiency of any securities, nor for any other loss, unless the same happens through his own wilful default.

Liability of officers of Corporation limited to own acts and defaults.

*Vesting of Property.*

14. (1) All property of whatsoever nature or kind of or belonging to or held by the firm, including the reserve fund established by the firm at the request or by the authority of growers, who in the past have delivered wheat to the firm, and all accumulations thereof, and all investments representing the same, shall, without any conveyance, transfer, or assignment, by force of this Act, be vested in and held and possessed by the Corporation; and all liabilities and engagements of the firm at the commencement of this Act

Firm's property and existing reserve fund vested in Corporation.

shall become the liabilities and engagements of the Corporation, and all uncompleted contracts or engagements heretofore entered into by any person or persons with the firm shall hereafter, to the extent that the same are uncompleted, be deemed to have been entered into with the Corporation.

Corporation to hold reserve fund upon trust.

(2) Subject to the provisions of this Act, and the borrowing and other powers herein contained, the Corporation shall hold the said reserve fund, and all accumulations thereof, and all investments representing the same upon the trusts for which the said reserve fund was held by the firm.

*Powers and Duties of the Corporation.*

To establish and maintain wheat pools. Amended by No. 81 of 1948, s. 3. No. 67 of 1961, s. 3.

15. (1) The Corporation may establish and maintain each year one or more separate voluntary wheat pools for the reception, handling, sale, and disposal of wheat in continuity of the business heretofore conducted by the firm, and may do, exercise and perform all such acts and powers as may be necessary or convenient in relation thereto.

To contract with wheat growers.

(2) The Corporation may make and enter into contracts and arrangements with wheat growers for or in relation to the pooling of wheat, and thereby reserve to the Corporation all such rights, powers, and authorities as the Trustees may consider incidental or conducive to the business of wheat pooling, and the Corporation is hereby empowered to exercise and carry out all such rights, powers, and authorities.

To establish and maintain bulk handling scheme.

(3) The Corporation may establish, maintain, and conduct any scheme or system for the handling of wheat and/or other grain in bulk, and to provide, construct, and/or equip buildings, elevators, plant, and machinery to that end, and to deduct and retain from the proceeds of the sale of pooled wheat such uniform handling and storage charges as the Corporation may be entitled to make in connection with such scheme or system for and in respect of the reception, storage, and handling of wheat. Provided that the powers of the Corporation shall extend only to voluntary schemes and systems and to such as the Corporation may be specifically authorised, by or under Statute, to engage in, and the provisions of this Act



shall be subject to any relative general or special restrictions or qualifications imposed by any Statute relating to bulk handling passed during the present session of Parliament, or thereafter.

(4) The Corporation may undertake and carry on any business transactions which may seem to the Trustees capable of being conveniently carried on in conjunction with the objects of the Corporation. To undertake other business transactions.

(5) Without in any way limiting the general powers of the Corporation hereby given or by law implied, the Corporation shall have the following subsidiary powers :— Special powers.

(a) To act as agent or broker for any person or persons, and to carry on the business of warehousing in all its branches ; To act as agent and warehouseman.

(b) To open and operate upon banking accounts, and to delegate to any person or persons power to sign and endorse in the name or on behalf of the Corporation cheques, bills of exchange and other negotiable instruments. To open and operate on bank accounts.

(c) To enter into all contracts whatsoever which the Trustees may deem necessary or expedient in the exercising of the powers or performance of the duties by this Act conferred or imposed upon the Corporation ; To contract.

(d) To purchase, take on lease or otherwise acquire and sell, dispose of, or otherwise deal with real and personal property of all kinds ; To acquire and deal in property.

(e) To act as Trustee of the reserve fund mentioned in section fourteen of this Act, and of any future reserve fund or reserve funds created by the Corporation and/or by persons who deliver wheat to any pool established by the Corporation and/or by any other growers of wheat in Western Australia and to amalgamate all or any of such reserve funds if the Trustees in their discretion shall deem it necessary or expedient so to do and from time to time, subject to the consent of the Growers' Council, to invest any moneys To act as Trustee of reserve fund.

forming part of any such reserve funds or the accumulations thereof in any investments or securities which the Trustees shall think fit or in the purchase of real estate with power as to real estate to sell, transfer, improve, manage, develop, exchange, let, mortgage, or otherwise dispose of, deal with, or turn to account, the same.

Provided that the Corporation shall in every year not later than the thirty-first day of October take out a balance sheet showing all of its assets and liabilities, making due allowance for depreciation and such other reserves as are usual in respect of undertakings similar to that carried on by the Corporation, together also with a revenue account for the preceding twelve months, and shall within two months after the thirty-first day of October as aforesaid, forward the balance sheet and revenue account to the Minister for Agriculture for presentation to Parliament.

The Minister shall cause a copy of the same to be laid on the tables of both Houses of Parliament on the first sitting day after receipt thereof.

- (ea) To act as Trustee of any reserve fund or funds, established or held by the Corporation in relation to or arising out of the pooling of oats pursuant to this Act and to amalgamate all or any of those reserve funds if the Corporation thinks it necessary or expedient to do so, with the same powers of investment in respect of the moneys forming part of those reserve funds or the accumulations thereof as are conferred on the Corporation by paragraph (e) of this subsection in relation to the reserve funds or the accumulations thereof mentioned in that paragraph.
- (f) To accept contributions to any of such reserve funds from any person or persons who deliver wheat or oats to any pool established by the Corporation and/or from other growers

of wheat or oats in Western Australia, whether such contributions are made in cash or by delivery of wheat or oats or by pre-arranged deductions made by the Corporation of fractional portions of the proceeds of sale of wheat or oats delivered to the Corporation for sale by any of such persons or growers or otherwise howsoever ;

- (g) To apply all such reserve funds established or held in relation to or arising out of the pooling of wheat, and the accumulations thereof, and the investments representing the same, in such manner as the Trustees may in their absolute discretion consider beneficial to the system of co-operative wheat pooling and/or to growers of wheat in Western Australia, and in such other manner as the Corporation may be authorised to do by contracts made with contributors to any fund or funds, for purchase of shares in any company the activities of which relate to the handling, shipping, delivering, marketing, or treating of wheat, or which is in any way connected therewith, whether in Australia or elsewhere ; for purchase or acquirement of plant and machinery for handling, re-conditioning, storing and/or treating wheat ; and for the establishment and maintenance of any scheme or system as aforesaid for the handling of wheat and/or other grain in bulk.

To use reserve funds for various purposes.

- (ga) To apply all such reserve funds established or held in relation to or arising out of the pooling of oats, and the accumulations thereof, and the investments representing the same in such manner as the Trustees may in their absolute discretion consider beneficial to the growers, including growers of other grain, in the State, and in such other manner as the Corporation may be authorised to do pursuant to contracts made with the contributors to any of those funds, and for purchase of shares in any company whose activities relate to the handling, shipping, delivering, marketing or treating of wheat, oats, or other

grain, or that is in any way connected therewith, whether in The Commonwealth or elsewhere, and for the purchase or acquisition of plant or machinery for handling, reconditioning, storing and for treating wheat, oats or other grain.

To perform  
and enforce  
contracts made  
by firm.

(6) The Corporation shall perform and observe and may enforce all contracts made by the firm with growers, millers, purchasers, ship owners, and all other persons whomsoever.

To borrow  
money for  
wheat market-  
ing and  
advances.

(7) (a) The Corporation may borrow or raise money in such manner and on such terms as the Trustees may think fit for the purpose of marketing wheat, and for other purposes, if so authorised by growers who may deliver wheat to be marketed by the Corporation, and also to enable the Corporation to make interim payments to growers and other persons on account of wheat so delivered to the Corporation, and, in order to secure moneys so borrowed or raised and interest thereon, may execute such securities as may be required by lenders of money, and, in particular, subject to any contract made by it with growers, may mortgage, charge, hypothecate, or pledge pooled wheat and negotiate any contracts, drafts, bills of exchange, bills of lading, notes, acceptances, orders, warehouse receipts, storage warrants, and other documents relating thereto ;

To borrow  
money for  
general pur-  
poses.

(b) The Corporation may for all or any other objects or purposes for which it has been constituted, or which it may by statutory authority or otherwise be legally empowered to undertake or effect, borrow or raise money in such manner and on such terms as the Trustees may think fit, and secure the repayment thereof and all interest thereon by debentures or debenture stock, mortgage, charge, subcharge or lien upon the whole or any part of the property, assets, or rights of the Corporation (excepting pooled wheat), whether present or future, and upon any reserve fund or reserve funds held or to be held by the Corporation, and upon all accumulations thereof and the investments for the time being representing the same ;

(c) No person or persons lending money or otherwise granting monetary accommodation to the Corporation shall be concerned to see or inquire as to the application thereof, or be affected by or accountable in respect of the loss or mis-application thereof.

Protection to persons lending money to Corporation.

15A. (1) Subject to and with the approval of the Minister, the Corporation may establish and maintain each year one or more separate voluntary oat pool or pools for the reception, handling, sale and disposal of oats.

Corporation may establish and maintain oat pools. Added by No. 61 of 1948, s. 3. Amended by No. 32 of 1948, s. 3.

(2) For the purposes of this section, the word "wheat" wherever occurring in subsections (1), (2) and (7) of section fifteen of this Act and in paragraphs (a), (b), (c) and (d) of subsection (5) of the said section fifteen, and in sections eighteen, nineteen and twenty of this Act, shall include oats.

(3) Where in any contract made by or with the Corporation relating to the sale of oats a reference is made to the W.A. standard feed oats then, unless a contrary intention shall appear in the contract, such reference shall be deemed to be a reference to the quality or standard following, that is to say:—

- (a) the oats shall be bright and sound and free from musty, smutty or other objectionable smell ;
- (b) the oats shall have a natural bushel weight of not less than thirty-eight pounds ;
- (c) not less than fourteen per centum of the whole shall be prime oats, that is oats held on a two millimetre sieve ;
- (d) not less than a total of ninety per centum of the whole shall be prime and grade oats, the latter being those held on a 1.5 millimetre sieve;
- (e) not more than a total of ten per centum of the whole shall comprise tailing or screening oats (that is oats passing through a 1.5 millimetre sieve) and foreign matter : Provided

that not more than four per centum of such ten per centum shall be foreign matter (foreign matter includes other cereals, oat husks and the like, weed seeds or uncultivated oats) ;

- (f) not more than one-twentieth per centum of the whole, by weight, or five seeds per hundred grammes of the whole shall be speargrass.

*Application of Companies Act, 1893<sup>1</sup>.*

Application of Companies Act regarding contracts and winding up.

16. The Corporation may make and enter into, vary, or discharge contracts in such manner as it would be by law entitled if it were a Company registered under the Companies Act, 1893<sup>1</sup>, and the Corporation shall be deemed to be an unregistered company for the purposes of Part VI. of that Act, and shall be liable to be wound up under such Act accordingly ; provided that, if the Corporation shall be the Bulk Handling Trust for the purposes of any Statute relating to bulk handling, then the winding up or dissolution of the Corporation under the Companies Act, 1893<sup>1</sup>, shall not terminate the existence of such Trust or prejudice or affect the capacities, powers, rights or obligations thereof.

*Seal.*

Custody of seal.

17. The seal of the Corporation shall be in the custody or control of the Trustees, and the fixing of the seal to any document shall be attested by one of the Trustees and the secretary, or any person appointed by the Trustees in that behalf, and such attestation shall be sufficient evidence of the authority to affix the seal.

*Miscellaneous.*

Wheat not liable to seizure or attachment.

18. No wheat received by the Corporation from any grower or other person whomsoever for sale, nor the gristed products of such wheat, nor the proceeds of the sale thereof, shall be liable to seizure or attachment by or on behalf of any creditor of the Corporation, except only for the purposes or on account of any

<sup>1</sup> Now Companies Act, 1961

security over such wheat or the documents of title thereto held by any creditor from whom the Corporation has borrowed money under the powers by this Act conferred upon it.

19. All wheat delivered to the Corporation for sale shall be sold as provided in the contract made by the Corporation with the grower or person delivering the same, notwithstanding that he may have given security over such wheat or become bankrupt or taken advantage of any statutory provision for the relief of debtors, or that any of his creditors may have seized or attempted to seize the same under any process of law.

Corporation not to be prevented from selling wheat according to contract.

20. The Corporation shall not attempt to make or make any profit out of the wheat delivered to it for sale, and no dividend shall be declared to any person from the funds or assets of the Corporation. Contributions to any reserve fund from time to time received by the Corporation shall not be income in the hands of the Corporation, nor taxable as such, but the income derived from the investment of any reserve fund or portion thereof shall be taxable to the same extent and in the same manner as if the Corporation were a private individual.

Corporation not to make profit out of pooled wheat.

21. (1) The Rules of the Schedule to this Act shall take effect from the date on which this Act comes into force.

Rules in Schedule.

(2) The Trustees may, subject to the approval of the Growers' Council, from time to time by resolution, vary, amend, or add to such rules and may make other rules not contrary to or inconsistent with the provisions of this Act for the regulation of the affairs of the Corporation.

Amendments and additions to Rules.

(3) When such resolution has been passed by the Trustees and approved by the Growers' Council, a copy thereof shall be printed and shall be forwarded to the Registrar of Companies, accompanied by a certificate under the hand of the chairman of the

Certificate of resolution amending or adding to Rules to be filed.

meeting of the Trustees, in such form as the Registrar may require, to the effect that the resolution has been duly passed in accordance with this Act and also accompanied by a Certificate under the hand of the chairman of the Growers' Council certifying that the resolution has been approved by the Growers' Council. Such copy resolution when received by the Registrar shall be recorded by him, whereupon the variation, amendment, or addition to the said Rules or the new rule as contained in such resolution shall take effect and be as valid and effectual as if it had been contained in the Schedule to this Act.

(4) Section thirty-six of the Interpretation Act 1918, shall not apply to rules made under this section.

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## THE SCHEDULE.

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### *Rules for Constitution of Growers' Council.*

Schedule substituted under s. 21 (above), by resolution filed 1st August, 1932.

Wheat and oats areas to be divided into 20 Districts.

1. The wheat and oats growing areas of Western Australia are divided into twenty districts as defined by the Trustees with the approval of the Growers' Council. The boundaries may be changed from time to time as the Trustees and the Growers' Council may think fit.

Election of Councillors.

2. One councillor shall be elected for each district by Pool members (hereinafter defined), in such district, in manner hereinafter appearing, and the councillors so elected shall constitute the Growers' Council.

Qualification of Pool Member.

3. A Pool member shall be :—

- (a) A grower in any district who or any partnership of which he is a member has pooled with the Corporation at least seventy-five per centum of his or its marketable grain of the previous year and has forwarded to the Corporation either with the relative voting form or prior to the delivery or posting thereof a promise in writing signed by him or it in the form required by the Trustees for the pooling with the Corporation of at least seventy-five per centum of his or its ensuing season's marketable grain, or,
- (b) A person who, whilst not an actual grower of grain shall satisfy the Trustees that he is financing any of his family or relations in the working and development of a grain farm in any district ; such person or persons so financed being himself, herself, or themselves qualified for membership. Provided, however, that it shall be a condition



precedent to the membership of such person that the approval of the actual grower or growers in writing to such membership shall be lodged with the Trustees prior to such person exercising any right as a member, and the actual grower or growers shall not, until such approval has been in writing withdrawn, be entitled to exercise any rights of membership. Any person qualified to be a member under this sub-clause shall for the purpose of these Rules be deemed to be a grower.

4. Qualification for a councillor shall be that he or any limited company of which he is a director or attorney has been a Pool member during at least three of the five seasons immediately preceding the year of his election.

Qualification of councillor.

5. The seat of any councillor shall be declared vacant in any of the following cases :—

Vacancy in office of councillor.

- (a) If he or any partnership or company he represents shall not during any one season whilst he is a councillor pool with the Corporation at least seventy-five per centum of his or its marketable grain ;
- (b) If he shall become bankrupt or be declared of unsound mind ;
- (c) If he shall die or resign or be appointed a Trustee ;
- (d) If he or any such partnership or company as aforesaid shall cease to produce marketable grain in the State of Western Australia ;
- (e) If he shall be absent without leave of the Growers' Council from two consecutive meetings ;
- (f) If being an approved member of the Pool under Rule 3 (b), he shall cease to retain any substantial financial interest in his relative's farm.

The Trustees shall alone be entitled to decide on the facts submitted to them by the grower or by any Pool member as to whether in the last-mentioned case such councillor retains a substantial financial interest or not, and their decision shall not be liable to be questioned.

6. A candidate for the Growers' Council must be nominated by five persons who have been Pool members for two of the preceding four seasons, and have grain growing interests in the district for which the candidate is nominated, and such nomination shall be lodged with the Corporation not later than the thirtieth day of September in each year. Nomination papers shall be in such form as may be prescribed by the Trustees, and shall contain a declaration by each nominator that he has pooled with the Corporation at least seventy-five per centum of his marketable grain during at least two of the preceding four seasons.

Nomination of Candidates for Council.

7. If only one qualified candidate is nominated for any district the Trustees shall declare him elected.

Provision where only one candidate.

Method of  
voting for  
Council.

8. The Trustees shall during the month of October in each year post to the persons understood to be Pool members or potential Pool members in the various districts where in each case more than one candidate is nominated a voting form containing the names of the persons so nominated as councillors for the district in which such member is entitled to vote, and such voting form shall contain instructions as to the mode of voting, and shall contain also a declaration to be signed by (or in the case of a limited company or partnership on behalf of) the Pool member verifying his or its qualifications as a Pool member. Such voting forms, duly signed by the Pool member (or in the case of a limited company or partnership by the person voting on its behalf), and with such declaration as aforesaid, shall be enclosed in an envelope addressed to the Corporation, and on the face of such envelope shall appear the words "Voting Form." Such envelope shall be delivered to the Corporation or posted so as to reach the Corporation not later than the fifteenth day of November in each year, and, when received, shall be placed in a box or receptacle, unopened, until such day, not being later than the thirtieth day of November, as the Trustees shall appoint for the opening of such envelopes. The Corporation shall notify its auditor of the date, time, and place fixed for the counting of such voting forms, and at the time so appointed, and in the presence of the auditor or his representative, such envelopes shall be opened, and the voting for each district ascertained. Where only two persons are nominated the person who on such counting shall receive the greater number of votes shall be declared to be elected and, in the case of an equality of votes, the councillor to be appointed shall be decided by lot in accordance with such conditions as the Growers' Council may prescribe. Where more than two persons are nominated the voting and counting shall be carried out on such preferential basis as the Trustees may determine.

Only one vote  
for each  
member.

9. (a) No Pool member shall have more than one vote nor vote in respect of more than one district provided that an individual who is entitled to a vote in his own right and also seeks to vote on behalf of a company or a partnership can vote in each such capacity.

(b) The vote of a limited company shall be exercised by one of its Directors or Attorneys.

(c) The vote of a partnership shall be exercised by any of its members.

(d) Before becoming entitled to vote at any election for councillors every Pool member who is a grower of grain in more than one district and every limited Company or partnership as aforesaid shall deposit with the Corporation a notification in writing duly signed by him or on its behalf signifying the district in respect of which he or it desires to exercise his or its right to vote and in the case of a limited company or partnership the name of the person who has been authorised by it to exercise such vote.

Retirement of  
councillors.

10. Councillors so elected shall hold office for a period of two years from the thirtieth day of November in the year during which they are elected. All retiring councillors shall be eligible for re-election.

11. The Growers' Council shall meet as and when necessary at such times and at such place or places, not less than twice in each year, and such meetings shall be convened on such notice and in such manner as the Trustees and the Growers' Council shall from time to time decide. Provided that one of such meetings shall be held in the month of July in each year, at which meeting a chairman for the following year shall be elected. Ten councillors present shall constitute a quorum at any meeting, and all votes shall be given and taken either by a show of hands or ballot, as the meeting may decide. If there be an equality of votes the chairman shall have a casting vote in addition to his deliberative vote.

Meetings of  
Growers'  
Council.

12. Any casual vacancy occurring in such Council may be filled at any meeting of the Council by a majority vote of those present thereat, provided that the person to be so appointed shall be properly qualified as required by Rule 4, and such person shall hold office until the date on which the person in whose place he is appointed would have retired under Rule 10 hereof had such person not earlier vacated office under Rule 5 hereof and shall be one of the ten councillors to retire on such date under the said Rule 10.

Casual vacancy  
in Council.

13. In these Rules the following expressions shall have the following meanings, namely :—

“ Grain ” means wheat and oats.

“ Marketable grain ” means the whole of the grain after deducting what in the opinion of the Trustees is a reasonable quantity of grain for seeding purposes and domestic and farm use.

“ Australian Wheat Board ” means the Australian Wheat Board or other the Board for the time being in existence for the purpose of acquiring wheat under the wheat stabilisation Acts in force at the time of the adoption of these Rules or any Act or Acts passed in lieu of or in substitution therefor or by way of extension of the period or operation thereof ;

and grain is pooled with the Corporation in the case of wheat when the grower has appointed the Corporation as his or its Documentary Agents under the Australian Wheat Board in respect of the wheat and in the case of oats when the grower has himself or through any agent or mortgagee, delivered the oats to any Oats Pool conducted by the Corporation.