

Western Australia

Bulk Handling Repeal Act 2000

As at 06 Jul 2000

No. 33 of 2000

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Western Australia

Bulk Handling Repeal Act 2000

No. 33 of 2000

An Act to repeal the *Bulk Handling Act 1967*, to consequentially amend certain Acts and for related purposes.

[Assented to 6 July 2000]

The Parliament of Western Australia enacts as follows:

Part 1 — Preliminary

1. Short title

This Act may be cited as the *Bulk Handling Repeal Act 2000*.

2. Commencement of Act other than section 7

- (1) This Act, other than section 7, shall not come into operation until the scheme of arrangement has been agreed to by the members of CBH in accordance with Part IV Division 12 of the *Companies (Co-operative) Act 1943*.
- (2) Subject to subsection (7), if the scheme of arrangement specifies a day as the “appointed day”, this Act, other than section 7, comes into operation on the appointed day.
- (3) Subject to subsection (7), if the scheme of arrangement specifies an event as the “section 2(3) event”, this Act, other than section 7, comes into operation on the happening of the section 2(3) event.
- (4) Subject to subsection (7), if the scheme of arrangement specifies an event as the “section 2(4) event”, this Act, other than section 7, comes into operation immediately after the happening of the section 2(4) event.
- (5) Subject to subsection (7), if the scheme of arrangement specifies an event as the “section 2(5) event” and a period as the “appointed period”, this Act, other than section 7, comes into operation at the end of the appointed period after the happening of the section 2(5) event.
- (6) Subject to subsection (7), if the scheme of arrangement does not specify a day or event referred to in subsections (2) to (5), this Act, other than section 7, comes into operation on the day determined by the Minister after consultation with the board of directors of CBH.

- (7) If this Act, other than section 7, has not come into operation on the day one month after the day on which CBH becomes a company registered under the Corporations Law, this Act, other than section 7, comes into operation on that first-mentioned day.

3. Commencement of section 7

- (1) If this Act, other than section 7, does not come into operation before 30 October 2000, section 7 comes into operation on that day.
- (2) If this Act, other than section 7, comes into operation before 30 October 2000, section 7 does not come into operation.

4. Publication of commencement day

The Minister is to cause a notice specifying when this Act, other than section 7, came or will come into operation to be published in the *Gazette* —

- (a) if the scheme of arrangement specifies a day or event referred to in sections 2(2) to (5) as soon as practicable after the scheme of arrangement is agreed to by the members of CBH;
- (b) if the Minister determines a day in accordance with section 2(6), as soon as practicable after the Minister makes the determination; or
- (c) if the Act has not come into operation before the day on which CBH becomes a company registered under the Corporations Law, as soon as practicable after that day.

5. Act to expire if it does not commence within 3 years

If this Act has not come into operation on the day 3 years after the day on which it receives the Royal Assent, it expires on that first-mentioned day.

6. Interpretation

(1) In this Act —

“CBH” means —

- (a) Co-operative Bulk Handling Limited, a company registered under the *Companies (Co-operative) Act 1943*; or
- (b) a company registered under the Corporations Law into which Co-operative Bulk Handling Limited is converted in accordance with the *Companies (Co-operative) Act 1943* and the Corporations Law;

“commencement day” means the day on which this Act, other than section 7, comes into operation;

“current grain” means grain received by CBH before the commencement day;

“scheme of arrangement” means an arrangement for the reorganisation of the share capital of CBH —

- (a) proposed by CBH preparatory to the conversion of CBH from a company registered under the *Companies (Co-operative) Act 1943* to a company registered under the Corporations Law; and
- (b) agreed to by the members of CBH in accordance with Part IV Division 12 of the *Companies (Co-operative) Act 1943*.

(2) Terms defined in the *Bulk Handling Act 1967* immediately before the commencement day have the same meaning in this Act as they had in that Act.

Part 2 — Amendment, repeal and transitional provisions

7. Section 31(6) amended

Section 31(6) of the *Bulk Handling Act 1967** is amended by deleting “The” and inserting instead —

“

Not more than 6 months after a grower’s name is entered in the register the

”.

[* *Reprinted as at 13 September 1993.*

For subsequent amendments see 1999 Index to Legislation of Western Australia, Table 1, p. 28.]

8. Repeal

The *Bulk Handling Act 1967* is repealed.

9. Tolls and debentures (ss. 31 and 32)

- (1) Debentures issued before the commencement day in accordance with section 31 or 32 of the *Bulk Handling Act 1967* continue on and after that day on the terms on which they were issued.
- (2) If, before the commencement day, a grower paid a foundation toll or a port equipment toll but as at that day had not been issued a debenture in satisfaction of the debt created by that payment —
 - (a) the debt created by the payment of the toll remains payable by CBH to the grower on the terms set out in subsection (3); and
 - (b) CBH need not issue a debenture in respect of that debt.
- (3) The terms of a debt referred to in subsection (2)(2)(a) are that —
 - (a) no interest is payable in respect of the debt; and

s. 10

(b) CBH —

- (i) must repay the debt in full on or before 31 October in the year 10 years after the day on which the toll was entered in the relevant register; but
- (ii) may repay all or part of the debt at any time before then.

10. Seeds (s. 52)

Despite section 8 —

- (a) section 52(1) and (2) of the *Bulk Handling Act 1967*; and
- (b) those provisions of the *Bulk Handling Act 1967* referred to in section 52(3) of that Act that are set out in the Table to section 12,

continue to apply to and in relation to seeds received by CBH before the commencement day.

11. Water rates (s. 52A)

In the rateable year in which the commencement day occurs, the water rate specified in section 52A(1) of the *Bulk Handling Act 1967* applies in respect of the portion of that rateable year that occurs before the commencement day.

12. Transitional arrangements for current grain

- (1) Despite section 8, the provisions of the *Bulk Handling Act 1967* set out in the Table to this section continue to apply to and in relation to current grain.

Table of continuing provisions

s. 7	s. 24	s. 40	s. 47
s. 11	s. 34	s. 41	s. 48
s. 14	s. 34D	s. 43	s. 49
s. 15	s. 35	s. 44	s. 50
s. 16	s. 37	s. 45	s. 51
s. 18	s. 38	s. 46	

- (2) Despite section 8, the *Bulk Handling Act Regulations 1967* continue to apply to and in relation to current grain.

13. Transitional regulations

- (1) If there is not sufficient provision in this Act for dealing with a matter that needs to be dealt with in connection with the repeal of the *Bulk Handling Act 1967*, the Governor may make regulations prescribing all matters that are required, or are necessary or convenient, for dealing with the matter.
- (2) Regulations made under this section may be expressed to have effect before the day on which they are published in the *Gazette*.
- (3) To the extent that a regulation made under this section is expressed to have effect before the day of its publication in the *Gazette*, it does not —
- (a) affect, in a manner prejudicial to any person (other than the State), the rights of that person existing before the day of its publication; or
 - (b) impose liabilities on any person (other than the State) in respect of anything done or omitted to be done before the day of its publication.

Part 3 — Consequential Amendments

14. Grain Marketing Act 1975 amended and transitional

- (1) The amendments in this section are to the *Grain Marketing Act 1975**.
- [* *Reprinted as at 9 November 1999.*]
- (2) Section 5(1) is amended by deleting the definition of “special approved grain”.
- (3) Section 5(2) is repealed.
- (4) Section 19(2)(e) is amended by deleting “subject to section 39 of the *Bulk Handling Act 1967* and after consultation with the Company within the meaning of that Act,”.
- (5) Section 22(4) is repealed.
- (6) Section 29(2), (3) and (4) are repealed.
- (7) Section 33 is repealed and the following section is inserted instead —

“

33. Classification, premiums and dockages

For the purposes of this Division, classifications, premiums and dockages in respect of a grain delivered to the Grain Pool shall be determined by the Board.

”.

- (8) Section 34(2) is repealed.
- (9) Section 34A(1) is amended by deleting “or a special approved grain”.
- (10) Section 34A(3) is amended as follows:
 - (a) by deleting “or a special approved grain” in the first place where it occurs;

- (b) by deleting “or 29(2) as the case may be,”;
 - (c) by deleting “or a special approved grain, as the case may be”.
- (11) Despite subsection (8), the licence held by CBH under section 34(2) of the *Grain Marketing Act 1975* remains in force in relation to current grain.

15. *Plant Pests and Diseases (Eradication Funds) Act 1974* amended

- (1) The amendments in this section are to the *Plant Pests and Diseases (Eradication Funds) Act 1974**.

[* Reprinted as at 30 July 1999.]

- (2) Section 4(1) is amended as follows:
 - (a) by deleting the definition of “Company”;
 - (b) in the definition of “crop year” by deleting “or to the Company”;
 - (c) in the definition of “receiver of grain or seed” by deleting “but does not include the Company”.
- (3) Section 9(1), (2), (2a) and (4) are amended by deleting “to the Company or”.
- (4) Section 10(c) and (d)(i) and (ii) are amended by deleting “Company or”.
- (5) Section 12(2) is amended by deleting “The Company and every” and inserting instead —
“ Every ”.

16. *Transport Co-ordination Act 1966* amended

The First Schedule to the *Transport Co-ordination Act 1966** is amended in clause 1 by deleting “facility established by the body known as Co-operative Bulk Handling Limited” and inserting instead —

“ bulk grain handling facility ”.

[* *Reprinted as at 9 September 1997.*

For subsequent amendments see 1999 Index to Legislation of Western Australia, Table 1, p. 257.]

17. *Wheat Marketing Act 1989* amended

Section 7 of the *Wheat Marketing Act 1989** is repealed.

[* *Act No. 26 of 1989.*]

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