

WESTERN AUSTRALIA

**GRAIN MARKETING AMENDMENT
ACT 1997**

No. 37 of 1997

AN ACT to amend the *Grain Marketing Act 1975*.

[Assented to 19 November 1997]

The Parliament of Western Australia enacts as follows:

Short title

1. This Act may be cited as the *Grain Marketing Amendment Act 1997*.

Commencement

2. This Act comes into operation on such day as is fixed by proclamation.

Principal Act

3. In this Act the *Grain Marketing Act 1975** is referred to as the principal Act.

[* *Reprinted as at 13 March 1989.*
For subsequent amendments see 1996 Index to
Legislation of Western Australia, Table 1, p. 98.]

Section 5 amended

4. Section 5 (1) of the principal Act is amended —

(a) by deleting the definition of “approved grain”;

(b) by inserting after the definition of “closing date” the following definition —

“
 “Deputy Chairman” means Deputy Chairman
 of the Board;
”;

(c) by deleting the definition of “compulsory pool”;

(d) by inserting after the definition of “licensed receiver” the following definition —

“
 “limited company” means a company limited
 by shares that is incorporated within or
 outside the Commonwealth;
”;

(e) in the definition of “prescribed grain”, by deleting “linseed,”;

(f) by inserting after the definition of “prescribed grain” the following definition —

“
 “prescribed grain pool” means a pool for the marketing of a prescribed grain;
”;

(g) in paragraph (a) of the definition of “producer”, by deleting “compulsory” and substituting the following —

“ prescribed grain pool ”;

(h) by deleting the definition of “Producers’ Council”;

(i) by inserting after the definition of “sell” the following definitions —

“
 “special approved grain” means a grain declared to be a special approved grain under section 29 (2);

“value adding processes” means processes that change the physical characteristics and increase the value of prescribed grain or prescribed grain products, and includes —

(a) the processing of prescribed grain or the plants from which prescribed grain is obtained; and

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- (b) the manufacture of products from prescribed grain or the plants from which prescribed grain is obtained,
and the promotion of those processes; ”;

and

- (j) in the definition of “voluntary pool”, by deleting “an approved grain.” and substituting the following —
“ a grain other than a prescribed grain. ”.

Section 9 amended, and savings

5. (1) Section 9 (2) of the principal Act is amended —

- (a) by deleting “9 Directors of the Grain Pool appointed by the Governor” and substituting the following —

“ 10 directors of the Grain Pool, ”; and

- (b) by deleting paragraphs (a) and (b), and “and” between those paragraphs, and substituting the following —

“
(a) one person from each of the 7 zones set out in the Second Schedule who is, in each case, a prescribed producer in the electoral zone for which, in accordance with prescribed procedures, he is elected by prescribed producers in that electoral zone;
and

- (b) 3 persons appointed by the Minister each of whom has, in the opinion of the Minister, special expertise of a kind that is relevant to the functions performed by the Grain Pool.

”.

(2) Despite subsection (1), a person appointed and holding office as a Director of The Grain Pool of W.A. under section 9 (2) of the principal Act immediately before the commencement of subsection (1) continues, subject to the principal Act, to hold office as a Director for the remainder of the period for which he or she would, but for subsection (1), have continued to hold that office.

(3) Section 9 (3) and (4) of the principal Act are repealed.

(4) Section 9 (5) of the principal Act is amended by deleting “of Directors.” and substituting the following —

“ and one of those Directors to be Deputy Chairman. ”.

(5) After section 9 (5) of the principal Act the following subsection is inserted —

“
(5a) During any vacancy in the office of Chairman, or while the Chairman is unable to act by reason of sickness, absence or other cause, the Deputy Chairman shall perform the functions of the Chairman.
”.

(6) Section 9 (6) of the principal Act is amended by deleting “be appointed” and substituting the following —

“ hold office ”.

(7) Section 9 (7) of the principal Act is amended by deleting “and re-appointment or for re-nomination and” and substituting the following —

“ or ”.

(8) Section 9 (8) of the principal Act is repealed and the following subsection is substituted —

“
(8) Each Director may be, at any time, removed from office by the Minister for disability, insolvency, neglect of

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duty, or misconduct or if, having been elected under subsection (2) (a), he ceases to be a prescribed producer in the electoral zone for which he was elected.

”.

(9) Section 9 (10) of the principal Act is amended —

(a) by deleting “the manner in which the appointment to the vacant office was originally made” and substituting the following —

“
accordance with subsection (2) (a) or (b), as the case requires,

”;

and

(b) by inserting before “appointed”, in the 3 places where it occurs, the following —

“ elected or ”.

(10) Section 9 (12) of the principal Act is amended —

(a) in paragraph (a), by deleting “was appointed” and substituting the following —

“ was elected ”; and

(b) by deleting paragraph (b) and substituting the following paragraph —

“
(b) in the case of a Director referred to in subsection (2) (b), his deputy shall be a person who is appointed by the Minister and who, in the opinion of the Minister, has special expertise of the same kind as the Director has.

”.

(11) Section 9 (14) of the principal Act is amended —

(a) by inserting after “defect in the” the following —

“ election or ”; and

(b) by inserting after “has been duly” the following —

“ elected or ”.

Section 11 amended

6. Section 11 (2) of the principal Act is amended by deleting “a meeting of the Board is conducted in each month.” and substituting the following —

“
at least 10 meetings of the Board are conducted in each
calendar year.
”.

Section 12 amended

7. (1) Section 12 (1) of the principal Act is amended by deleting “5 Directors” and substituting the following —

“ 6 Directors ”.

(2) Section 12 (2) of the principal Act is amended by deleting “but if the Chairman is not” and substituting the following —

“
and, if the Chairman is not present, the Deputy Chairman
shall preside, but if neither the Chairman nor Deputy
Chairman is
”.

Section 12A inserted

8. After section 12 of the principal Act the following section is inserted —

“

Meetings of producers

12A. (1) Within 6 months after the end of each financial year for which an annual report is submitted to the Minister, the Chairman shall convene a meeting for the purposes of subsection (2) which producers are entitled to attend.

(2) At a meeting of producers —

(a) the Chairman shall —

(i) report on the operations of the Grain Pool during the financial year to which the annual report relates; and

(ii) make himself or herself available to answer questions arising out of those operations and the annual report;

and

(b) the Chairman shall consult with the producers at the meeting in relation to the remuneration and expenses of Directors and their deputies.

(3) Subject to this section, a meeting of producers shall be conducted in such manner as the Chairman determines after consulting with the producers at the meeting.

(4) The Chairman shall ensure that copies of the annual report are made available at a meeting of producers.

(5) The Board shall, by advertisement in a newspaper circulating throughout the State and in any other manner approved by the Board, provide notice of the time, date and place of a meeting of producers.

(6) In this section —

“annual report” means the annual report submitted to the Minister by the accountable authority of the Grain Pool under section 66 of the *Financial Administration and Audit Act 1985* together with a copy of the opinion of the Auditor General relating to that report, as referred to in section 69 of that Act;

“meeting of producers” means a meeting convened under subsection (1).

”.

Section 13 amended

9. (1) Section 13 (2) of the principal Act is amended by deleting “discharge” and substituting the following —

“ performance ”.

(2) After section 13 (2) of the principal Act the following subsections are inserted —

“

(3) The Grain Pool may delegate to a subsidiary of the Grain Pool any of its powers and functions, except this power of delegation.

(4) A subsidiary of the Grain Pool to which a power or function is delegated under subsection (3) is subject to the direction and control of the Grain Pool in the exercise or performance of that power or function.

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(5) The Grain Pool may at any time revoke a delegation given under subsection (3), and a delegation so given does not prevent the exercise or performance by the Grain Pool of any of its powers or functions.

(6) In this section —

“**subsidiary**” means a limited company that is a subsidiary within the meaning of the Corporations Law, or would be such a subsidiary if the limited company were a body corporate to which the Corporations Law applies.

”.

Section 14 amended

10. Section 14 of the principal Act is amended by deleting “and approved by the Governor.” and substituting the following —

“

, after the Chairman has consulted with producers under section 12A (2), and are approved by the Minister.

”.

Section 17 amended

11. Section 17 of the principal Act is amended by inserting after “*Industrial Relations Act 1979*” the following —

“

and to the *Minimum Conditions of Employment Act 1993* and *Workplace Agreements Act 1993*

”.

Sections 18A and 18B inserted

12. After section 18 of the principal Act the following sections are inserted —

“
Objects of the Grain Pool

18A. The objects of the Grain Pool are —

- (a) to maximize the net returns to producers by securing, developing and maintaining markets for grain and grain products and by minimizing costs as far as is practicable; and
- (b) to provide producers with a choice of marketing options by participating, in a commercial manner, in markets within and outside the Commonwealth for grain and grain products.

Functions of the Grain Pool

18B. The functions of the Grain Pool are —

- (a) to control the marketing of prescribed grain that is to be exported, or sold for export, from the Commonwealth;
- (b) to promote and market, in markets within and outside the Commonwealth, grain delivered to the Grain Pool;
- (c) to consult, cooperate and enter into agreements with —
 - (i) licensed receivers in relation to the receiving and handling of grain; and
 - (ii) carriers in relation to the delivery of grain, on behalf of the Grain Pool;

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- (d) to determine standards for the condition and quality of grain delivered to the Grain Pool; and
- (e) to facilitate or participate in —
 - (i) the commercial development and use of grain varieties;
 - (ii) value adding processes; and
 - (iii) any other commercial activities relating to the marketing of grain and grain products,and to obtain any licence or other authority that may be necessary to do so.

”.

Section 19 amended

13. (1) Section 19 of the principal Act is amended by deleting “The Grain Pool shall have, for the purposes of this Act, the following general powers — ” and substituting the following —

“

(1) The Grain Pool may do all things necessary or convenient to be done for or in connection with the performance of its functions or otherwise for giving effect to this Act.

(2) Without limiting the generality of subsection (1) or any power conferred by any other provision of this Act, the Grain Pool has the power —

”.

(2) Section 19 (2) (b) of the principal Act, as amended by subsection (1), is amended by inserting after “contract” the following —

“

, including a futures contract (within the meaning of the Corporations Law) relating to financial futures or grain futures, if the Board considers the futures contract to be for

the purpose of managing, limiting or reducing perceived risks or anticipated costs associated with the performance by the Grain Pool of its functions.

”.

(3) After section 19 (2) (b) of the principal Act, as amended by subsection (1), the following paragraphs are inserted —

“

(c) on the recommendation of the Minister and with the written approval of the Treasurer, to arrange for or participate in the formation of a limited company;

(d) on the recommendation of the Minister and with the written approval of the Treasurer, to become a shareholder in a limited company for the purpose of performing any of its functions under this Act;

”.

(4) Section 19 (2) (g) of the principal Act, as amended by subsection (1), is deleted and the following paragraph is substituted —

“ (g) to undertake and carry on business transactions; ”.

Sections 19C, 19D and 19E inserted

14. After section 19B of the principal Act the following sections are inserted in Part II —

“

Grain Pool to act according to corporate plan and annual operational plan

19C. The Grain Pool shall, as far as practicable, ensure that it acts in a manner that gives effect to any corporate plan and annual operational plan in force under Part IIA.

Minister may give instructions in exceptional circumstances

19D. (1) Subject to subsection (2), the Minister may give instructions in writing to the Grain Pool with respect to the performance of its functions and the exercise of its powers, either generally or in relation to a particular matter, and the Grain Pool shall give effect to any such instruction.

(2) The Minister shall only give an instruction to the Grain Pool if —

- (a) the Minister is satisfied that, because of exceptional circumstances, the instruction is necessary;
- (b) the Minister has informed the Grain Pool in writing that the Minister is considering giving the instruction; and
- (c) the Minister has given the Chairman an adequate opportunity to discuss with the Minister the need for the instruction.

(3) The text of an instruction given under subsection (1) shall be —

- (a) laid before each House of Parliament within 14 sitting days of that House after the instruction is given; and
- (b) included in the annual report submitted by the accountable authority of the Grain Pool under section 66 of the *Financial Administration and Audit Act 1985*.

(4) Subsection (1) has effect subject to the *Statutory Corporations (Liability of Directors) Act 1996*.

Minister to have access to information

19E. (1) The Minister is entitled —

- (a) to have information in the possession of the Grain Pool; and
- (b) if the information is in or on a document, to have, and make and retain copies of, that document.

(2) For the purposes of subsection (1), the Minister may —

- (a) request the Grain Pool to provide information to the Minister;
- (b) request the Grain Pool to give the Minister access to information;
- (c) for the purposes of paragraph (b), make use of a member of staff of the Grain Pool to obtain the information and provide it to the Minister.

(3) The Grain Pool shall comply with a request under subsection (2) and make its facilities and members of staff available to the Minister for the purposes of paragraph (c) of that subsection.

(4) In this section —

“**document**” includes any tape, disk or other device or medium on which information is recorded or stored;

“**information**” includes information specified, or of a description specified, by the Minister that relates to the functions of the Grain Pool.

”.

Part IIA inserted

15. After Part II of the principal Act the following Part is inserted —

“

PART IIA — CORPORATE PLANS AND ANNUAL OPERATIONAL PLANS

Division 1 — Corporate plans

Development of corporate plans

19F. (1) The Grain Pool shall, before 1 October in each calendar year after 1997, submit to the Minister a corporate plan.

(2) A corporate plan shall relate to a period commencing on the following 1 November and extending for 3, 4 or 5 years, as the Grain Pool chooses.

(3) Subject to sections 18A and 18B, a corporate plan shall —

- (a) define what the Grain Pool considers should be its principal objectives during the period to which the plan relates; and
- (b) give a broad outline of the strategies that the Grain Pool considers should be pursued during that period for achieving those objectives.

(4) A corporate plan comes into force at the commencement of the period to which the plan relates.

(5) The Minister shall cause a copy of a corporate plan to be laid before each House of Parliament within 14 sitting days of that House after the plan is submitted to the Minister under subsection (1).

Variation of corporate plans

19G. (1) The Grain Pool shall review a corporate plan annually and may vary it at any time.

(2) The Grain Pool shall give a copy of any variation to a corporate plan to the Minister within 28 days after the day on which the variation is made.

(3) A variation comes into force on the day on which the Grain Pool makes the variation.

Division 2 — Annual operational plans

Development of annual operational plans

19H. (1) The Grain Pool shall each year after 1997 submit to the Minister an annual operational plan.

(2) An annual operational plan shall set out, in relation to the period to which the plan relates, particulars of the action that the Grain Pool intends to take in order to achieve the objectives defined in the corporate plan applicable to that period.

(3) An annual operational plan shall be consistent with the relevant corporate plan.

(4) An annual operational plan comes into force at the commencement of the period to which the plan relates.

Variation of annual operational plans

19I. (1) The Grain Pool may vary an annual operational plan at any time.

(2) The Grain Pool shall give a copy of any variation to an annual operational plan to the Minister within 28 days after the day on which the variation is made.

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(3) A variation comes into force on the day on which the Grain Pool makes the variation. ”.

Part III, Division 1 heading amended

16. Part III of the principal Act is amended in the heading to Division 1 by deleting “*Approved*” and substituting the following —

“ *Other* ”.

Section 20 amended

17. Section 20 (1) of the principal Act is amended by deleting “linseed,”.

Section 22 amended

18. (1) Section 22 (1) of the principal Act is amended by inserting after “prescribed grain” the following —

“ that is to be exported, or sold for export, from the Commonwealth ”.

(2) Section 22 (2) of the principal Act is amended by deleting the passage that begins “Subject to” and ends at the end of paragraph (b) and substituting the following —

“ A person other than the Grain Pool, or a person authorized in writing by the Grain Pool, shall not export a prescribed grain, or sell a prescribed grain for export, from the Commonwealth. ”.

(3) After section 22 (2) of the principal Act the following subsection is inserted —

“ (2a) Subject to subsection (3), a person shall not purchase, take delivery of or receive from any person other

than the Grain Pool a prescribed grain that is to be exported, or sold for export, from the Commonwealth.

Penalty —

- (a) for a natural person, \$5 000 or for a second or subsequent offence, \$10 000; or
- (b) for a body corporate, \$25 000 or for a second or subsequent offence, \$50 000.

”.

(4) Section 22 (3) of the principal Act is repealed and the following subsection is substituted —

“

(3) Subsection (2a) does not apply to a prescribed grain that is purchased, taken delivery of or received in accordance with a permit issued under section 22A.

”.

Section 22A amended

19. (1) Section 22A (1) of the principal Act is amended by deleting “make purchases of prescribed grain in accordance with the terms and conditions of the permit.” and substituting the following —

“

purchase from a person other than the Grain Pool, in accordance with the terms and conditions of the permit, a prescribed grain that is to be exported, or sold for export, from the Commonwealth.

”.

(2) Section 22A (2) (c) of the principal Act is amended by deleting “compulsory” and substituting the following —

“ prescribed grain ”.

(3) Section 22A (3) of the principal Act is amended —

(a) by deleting paragraph (e) and “and” after that paragraph and substituting the following —

“
(e) the use or uses to which the prescribed grain may be put by the purchaser; and
”;

and

(b) in paragraph (f), by deleting “prescribed by regulations.” and substituting the following —

“
approved by the Minister by notice published in the *Government Gazette*.
”.

(4) Section 22A (4) (d) of the principal Act is amended by inserting after “use” the following —

“ or uses ”.

(5) After section 22A (5) of the principal Act the following subsection is inserted —

“
(6) In this section —
“**purchase**” includes take delivery of and receive.
”.

Section 22B amended

20. Section 22B (a) of the principal Act is amended by inserting after “purchased” the following —

“ , taken delivery of or received ”.

Section 22C repealed

21. Section 22C of the principal Act is repealed.

Section 24 amended

22. Section 24 (2) and (3) of the principal Act are amended by deleting “compulsory” in each place where it occurs and substituting in each place the following —

“ prescribed grain ”.

Section 25 repealed and a section substituted

23. Section 25 of the principal Act is repealed and the following section is substituted —

“

Receival of prescribed grain by the Grain Pool

25. Subject to the terms and conditions of a prescribed grain pool, the Grain Pool shall receive for the prescribed grain pool any prescribed grain —

- (a) that is produced in the season to which the prescribed grain pool relates;
- (b) that is delivered for the prescribed grain pool to the Grain Pool or a licensed receiver on or before the closing date of the prescribed grain pool by or on behalf of the producer; and
- (c) that complies with any standards that apply to the prescribed grain pool.

”.

Section 26 amended

24. Section 26 (1) and (2) of the principal Act are repealed and the following subsection is substituted —

“

(1) The Grain Pool may establish and maintain each year a voluntary pool, or separate voluntary pools, for the marketing of any grain, other than prescribed grain, produced in a season and delivered to the Grain Pool by producers of the grain, subject to the terms and conditions of the voluntary pool or pools.

”.

Section 28 amended

25. (1) Section 28 (1) of the principal Act is amended by deleting “a prescribed grain or an approved” and substituting the following —

“ any ”.

(2) Section 28 (5) (a) (iii) of the principal Act is amended by deleting “Department of Agriculture of the State;” and substituting the following —

“

department of the Public Service principally assisting the Minister in the administration of this Act;

”.

(3) Section 28 (10) of the principal Act is repealed.

Section 29 amended

26. (1) Section 29 (1) of the principal Act is amended by deleting “a claim for” and substituting the following —

“ an entitlement to ”.

(2) Section 29 (2) of the principal Act is amended —

(a) by deleting “an approved grain” and substituting the following —

“ a grain (other than a prescribed grain) ”; and

(b) by deleting “that approved grain” and substituting the following —

“ that grain ”.

(3) Section 29 (3) of the principal Act is amended by deleting “that approved grain” and substituting the following —

“ that grain ”.

Section 30 amended

27. Section 30 (1) of the principal Act is amended —

(a) in paragraph (b), by inserting after “determined the” the following —

“ premiums or ”; and

(b) in paragraph (d) (i), by inserting after “and the” the following —

“ premiums or ”.

Section 31 amended

28. (1) Section 31 (2) (c) of the principal Act is amended by inserting after “States” the following —

“ or Territories ”.

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(2) Section 31 (2) (d) of the principal Act is repealed and the following paragraph is substituted —

“

- (d) exercise a power conferred on the Grain Pool under section 19 (2) (c) or (d) or enter into any agreement relating to the marketing of grain with a Commonwealth authority, a grain marketing board or corporation of another State or a Territory, any person, or any association of persons.

”.

(3) Section 31 (4) (b) of the principal Act is amended by deleting “claims for compensation under this Act;” and substituting the following —

“ entitlements to compensation under section 32; ”.

Section 32 repealed and a section substituted

29. Section 32 of the principal Act is repealed and the following section is substituted —

“

Compensation

32. (1) A producer who delivers grain to the Grain Pool for a pool, or on whose behalf grain is so delivered, has an entitlement to compensation determined in accordance with this section.

(2) The Board shall determine entitlements to compensation to be paid in respect of the grain in a pool and shall base the determination on the rate or rates per tonne of grain computed by reference to —

- (a) the net proceeds from the sale of the grain;
- (b) the quantities of the grain;

- (c) the classifications of the grain; and
- (d) the premiums or dockages on the grain,

but the Board shall not make a determination until, in the opinion of the Board, the Grain Pool has sold a sufficient quantity of the grain to enable the Board to make a just determination.

(3) An entitlement to compensation determined under subsection (2) is subject to being reduced by the amount of any levies that may have been imposed under section 28.

(4) Pending the determination of an entitlement to compensation, the Grain Pool may make, at such time or times and on such terms and conditions as the Board thinks fit, advance payment on account of the entitlement.

”.

Section 32A amended

30. (1) Section 32A (1) of the principal Act is repealed and the following subsection is substituted —

“

(1) Where under section 32 (4) the Grain Pool has made one or more advance payments on account of entitlements to compensation in respect of the grain in a pool, the Grain Pool may, before determination of the entitlements under section 32 (2), make an offer of payment in full settlement of each entitlement.

”.

(2) Section 32A (2) of the principal Act is amended —

- (a) by deleting “claims under section 32 (3),” and substituting the following —

“ entitlements under section 32 (2), ”; and

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(b) by deleting “claims for” and substituting the following —

“ entitlements to ”.

(3) Section 32A (3) of the principal Act is amended by deleting “claims for” and substituting the following —

“ entitlements to ”.

(4) Section 32A (4) of the principal Act is repealed and the following subsection is substituted —

“

(4) Payment by the Grain Pool, upon the valid acceptance of an offer under this section —

(a) is subject to being reduced by the amount of any levies that may have been imposed under section 28; and

(b) has effect to extinguish the entitlement to compensation to which the payment relates.

”.

Section 32B amended

31. Section 32B (3) (b) of the principal Act is amended by deleting “claims for” and substituting the following —

“ entitlements to ”.

Section 33 amended

32. Section 33 of the principal Act is amended by deleting “Act, classifications” and substituting the following —

“ Division, classifications, premiums ”.

Section 34 amended

33. Section 34 (5) of the principal Act is amended by deleting “recommends and the Minister”.

Section 34A amended

34. (1) Section 34A (1) of the principal Act is amended by deleting “an approved” and substituting the following —

“ a special approved ”.

(2) Section 34A (3) of the principal Act is amended —

(a) by deleting “an approved” in the 2 places where it occurs and substituting in each place the following —

“ a special approved ”; and

(b) by deleting “the notice under section 26 (1),” and substituting the following —

“ 29 (2), ”.

Section 34B amended

35. Section 34B (1a) of the principal Act is amended by deleting the passage that begins “amount decided” and ends at the end of the subsection and substituting the following —

“
amount —

(a) specified in the annual operational plan for the time being in force under section 19H; or

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- (b) if no amount is so specified, decided by the Minister in writing, after consultation with the Grain Pool,

in relation to that grain.

”.

Section 35 amended

36. Section 35 (1a) of the principal Act is amended —

- (a) by deleting “claims for” and substituting the following —

“ entitlements to ”; and

- (b) by deleting “of claims” and substituting the following —

“ of entitlements ”.

Section 37A amended

37. Section 37A (1) of the principal Act is amended by deleting “a prescribed grain” and substituting the following —

“

, take delivery of or receive from a person other than the Grain Pool a prescribed grain that is to be exported, or sold for export, from the Commonwealth

”.

Section 38 amended

38. Section 38 (2) of the principal Act is amended by inserting after “Peace” the following —

“

, who may issue the warrant if satisfied in relation to the reasonable grounds referred to in that subsection

”.

Section 41A inserted

39. After section 41 of the principal Act the following section is inserted —

“

Review of Act

41A. (1) The Minister shall carry out a review of the operation and effectiveness of this Act and, in the course of that review, the Minister shall consider and have regard to —

- (a) the effectiveness of the operations of the Grain Pool;
- (b) the need for the continuation of the functions of the Grain Pool; and
- (c) any other matters that appear to the Minister to be relevant to the operation and effectiveness of this Act.

(2) The Minister shall prepare a report based on the review and, as soon as is practicable after the report is prepared, cause it to be laid before each House of Parliament.

(3) The review shall be completed, and the report laid before each House of Parliament, within 5 years after the coming into operation of the *Grain Marketing Amendment Act 1997*.

(4) If, because either House of Parliament is not sitting, the report cannot be laid before that House as

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required by subsection (3), the Minister may comply with the requirement to lay the report before that House by —

- (a) giving a copy of the report to the Clerk of that House not later than the day referred to in that subsection; and
- (b) immediately causing the report to be printed and made available to the public.

(5) A copy of a report given to the Clerk of a House under subsection (4) shall be laid before that House on its next sitting day.

”.

Part V repealed

40. Part V of the principal Act is repealed.

Part VI repealed

41. Part VI of the principal Act is repealed.

Third Schedule repealed

42. The Third Schedule to the principal Act is repealed.

Fourth Schedule repealed

43. The Fourth Schedule to the principal Act is repealed.