

GRAIN ELEVATORS (AMENDMENT) ACT.

New South Wales



ANNO SEXTO DECIMO

ELIZABETHÆ II REGINÆ

Act No. 15, 1967.

An Act to increase the representation of wheatgrowers on The Grain Elevators Board of New South Wales; to make further provisions with respect to the powers, authorities, duties and functions of the Board and its Chairman; to enable the Board to apportion available storage space; for these and other purposes to amend the Grain Elevators Act, 1954–1965; and for purposes connected therewith. [Assented to, 23rd March, 1967.]

BE

*Grain Elevators (Amendment).*No. 15, 1967

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows :—

Short title
and
citation.

1. (1) This Act may be cited as the "Grain Elevators (Amendment) Act, 1967".

(2) The Grain Elevators Act, 1954, as amended by subsequent Acts and by this Act, may be cited as the Grain Elevators Act, 1954–1967.

(3) The Grain Elevators Act, 1954, as amended by subsequent Acts, is in this Act referred to as the Principal Act.

Amendment
of Act No.
36, 1954.

2. (1) The Principal Act is amended—

Sec. 7.
(Constitu-
tion of
Board.)

(a) (i) by omitting from subsection one of section seven the words "be subject in all respects to the control and direction of the Minister" and by inserting in lieu thereof the words "comply with any directions in that behalf given to it by the Minister";

(ii) by omitting from subsection six of the same section the words "The Chairman shall, by virtue of and while acting in such office, be the Manager of the Board, and a deputy shall, by virtue of and while acting in the place of the Chairman, be the Acting Manager of the Board, but neither the Chairman or such deputy shall on such account be entitled to receive any remuneration additional to that which he is entitled to receive as Chairman or as such deputy, as the case may be.";

(iii)

Grain Elevators (Amendment).

- (iii) by omitting paragraph (e) of subsection nine **No. 15, 1967** of the same section and by inserting in lieu thereof the following paragraph :—

(e) if he becomes a mentally ill person, a protected person or an incapable person, within the meaning of the Mental Health Act, 1958, as amended by subsequent Acts;

- (b) by inserting next after section twelve the following **New sec. 12A.** new section :—

12A. (1) The Board may prepare a scheme or schemes for the equitable apportionment among wheatgrowers of the storage space available at the elevators and other works of the Board and may, with the approval of the Minister, initiate and implement any such scheme and vary or cancel any scheme implemented.

Control of deliveries of wheat.

(2) Without limiting the generality of subsection one of this section, the Board may—

- (a) from time to time and for the purposes of that subsection, require all wheatgrowers or wheatgrowers of a specified class or all wheatgrowers other than wheatgrowers of a specified class—

- (i) to register with the Board; and
(ii) to furnish to the Board such information relevant to those purposes as the Board may require;

- (b) pursuant to any scheme, require the delivery of wheat to the elevators and other works of the Board to be at such times and in such manner, quantity and condition as may be specified in the scheme or directed by the Board; and

(c)

Grain Elevators (Amendment).

No. 15, 1967

- (c) refuse to accept delivery of wheat to any elevator or other work of the Board to which a scheme applies, except in accordance with that scheme or a direction of the Board given pursuant thereto.

(3) The regulations may provide for the manner in which wheatgrowers are to be notified of—

- (a) a requirement of the Board pursuant to paragraph (a) of subsection two of this section;
- (b) the initiation of a scheme and the details of the scheme;
- (c) the variation of a scheme and the details of the variation; and
- (d) the cancellation of a scheme.

(4) The powers of the Board pursuant to this section may be exercised in relation to—

- (a) all elevators and other works of the Board;
- (b) elevators and other works of the Board specified by a scheme; or
- (c) all elevators and other works of the Board other than certain elevators and other works, as specified by a scheme.

Sec. 23.
(Contracts.)

- (c) (i) by inserting next after subsection one of section twenty-three the following new subsection :—

(1A) The Board may, subject to this Act and so as not to prejudice the performance of the duties and functions otherwise imposed upon

Grain Elevators (Amendment).

upon it by this Act, make and enter into contracts and agreements with any person for the use of the elevators and other works of the Board to store grain other than wheat and for matters incidental to such use. No. 15, 1967

- (ii) by inserting in subsection two of the same section after the word "wheatgrowers" the words "or under subsection (1A) of this section, as growers of grain other than wheat";
- (iii) by inserting in subsection three of the same section after the word "Chairman" the words "or, where some other person (being a member or employee of the Board) is prescribed, the prescribed person".

(2) Subparagraph (ii) of paragraph (a) of subsection one of this section shall commence upon a day to be appointed by the Governor and notified by proclamation published in the Gazette.

3. (1) The Principal Act is further amended—

Further
amendment
of Act No.
36, 1954.

- (a) (i) by omitting from subsection three of section seven the word "five" and by inserting in lieu thereof the word "seven"; Sec. 7.
(Constitu-
tion of
Board.)

- (ii) by omitting paragraph (d) of the same subsection and by inserting in lieu thereof the following paragraph :—

- (d) four shall represent wheatgrowers in New South Wales and each of them, except in the case of a person appointed under paragraph (c1) of subsection five of this section, shall be a person elected as prescribed.

(iii)

Grain Elevators (Amendment).

No. 15, 1967

- (iii) by inserting next after the same subsection the following new subsections :—

(3A) The Minister may, by notification published in the Gazette, constitute four electoral districts in New South Wales for the purposes of the election of the persons referred to in paragraph (d) of subsection three of this section and may, by a like notification, alter the boundaries of any such electoral district.

(3B) The Minister may arrange for the election of the persons referred to in paragraph (d) of subsection three of this section to be conducted by the Electoral Commissioner for New South Wales appointed under the Parliamentary Electorates and Elections Act, 1912, as amended by subsequent Acts, or a Returning Officer under that Act, as so amended, or any other person appointed by the Minister in writing for that purpose.

- (iv) by inserting in paragraph (a) of subsection five of the same section after the word "Board" the words "(other than a member referred to in paragraph (d) of subsection three of this section)";

- (v) by inserting next after the same paragraph the following new paragraph :—

(a1) Subject to this Act the term of office of a member of the Board referred to in paragraph (d) of subsection three of this section shall be such term, not exceeding three years, as is specified in the instrument of his appointment.

- (vi) by inserting in paragraph (b) of the same subsection after the word "Board" the words "(other than a member referred to in paragraph (d) of subsection three of this section)";
- (vii)

Grain Elevators (Amendment).

- (vii) by inserting next after the same paragraph the No. 15, 1967 following new paragraph : —

(b1) Upon the expiration of the term of office of a member of the Board referred to in paragraph (d) of subsection three of this section, he shall if he is from time to time elected as prescribed, be eligible for reappointment after being so elected. Any such reappointment shall be for such term not exceeding three years as may be specified in the instrument of reappointment.

- (viii) by inserting in paragraph (c) of the same subsection after the word "Board" the words "(other than a member referred to in paragraph (d) of subsection three of this section)";

- (ix) by inserting next after the same paragraph the following new paragraph : —

(c1) On the occurrence of a vacancy in the office of a member of the Board referred to in paragraph (d) of subsection three of this section the Governor may, on the nomination of the Minister, appoint to the vacant office a wheatgrower in New South Wales who shall hold office—

- (i) where the vacancy is caused otherwise than by the expiration of a term of office, for the remainder of the unexpired term of the vacant office or until the appointment to that office of an elected person referred to in paragraph (d) of subsection three of this section, whichever first occurs; or
- (ii) where the vacancy is caused by the expiration of a term of office, until the appointment to that office of an elected person referred to in paragraph (d) of subsection three of this section.

(b)

*Grain Elevators (Amendment).***No. 15, 1967**

Sec. 9.
(Board to
be body
corporate.)

Sec. 57.
(Regula-
tions.)

(b) by omitting from paragraph (b) of subsection four of section nine the word "Three" and by inserting in lieu thereof the word "Four";

(c) by inserting next after paragraph (k) of subsection one of section fifty-seven the following new paragraphs :—

(k1) the election of persons to represent wheat-growers in New South Wales as members of the Board including, without limiting the generality of the foregoing, the qualifications of electors and candidates for election;

(k2) schemes for the apportionment of storage space in the elevators and other works of the Board.

(2) For the purpose only of the reconstitution of The Grain Elevators Board of New South Wales and of any matters for or incidental to such reconstitution, the provisions of subsection one of this section shall commence upon the day upon which the assent of Her Majesty to this Act is signified.

(3) Upon a day to be appointed by the Governor and notified by proclamation published in the Gazette—

(a) the persons appointed as members of The Grain Elevators Board of New South Wales pursuant to its reconstitution under the provisions of the Principal Act, as amended by this Act, shall assume their offices as such members;

(b) the members of The Grain Elevators Board of New South Wales referred to in paragraph (d) of subsection three of section seven of the Principal Act and holding office immediately before that day shall cease to hold office unless reappointed under the provisions of the Principal Act, as amended by this Act; and

(c) the provisions of this section shall come into force for all purposes.

(4)

Grain Elevators (Amendment).

(4) Nothing contained in this section shall prejudice No. 15, 1967
or affect—

- (a) the continuity of the body corporate constituted under the Principal Act; or
- (b) the tenure of office of the members of The Grain Elevators Board of New South Wales referred to in paragraphs (a), (b) and (c) of subsection three of section seven of the Principal Act and holding office immediately before the day appointed under subsection three of this section,

and that body corporate and that tenure of office shall continue notwithstanding the provisions of this section.