

Border Railways (Grain Elevators) Amendment Act 1957 No 9

[1957-9]



New South Wales

Status Information

Currency of version

Repealed version for 14 February 1966 to 6 December 2007 (accessed 22 December 2024 at 13:06)

Legislation on this site is usually updated within 3 working days after a change to the legislation.

Provisions in force

The provisions displayed in this version of the legislation have all commenced.

Notes—

- **Repeal**

The Act was repealed by Part 4 of Sch 5 to the [Statute Law \(Miscellaneous Provisions\) Act \(No 2\) 2007 No 82](#) with effect from 7.12.2007.

Authorisation

This version of the legislation is compiled and maintained in a database of legislation by the Parliamentary Counsel's Office and published on the NSW legislation website, and is certified as the form of that legislation that is correct under section 45C of the [Interpretation Act 1987](#).

File last modified 7 December 2007

Border Railways (Grain Elevators) Amendment Act 1957 No 9



New South Wales

Contents

Long title	3
1 Name of Act and construction	3
2 Definitions	3
3 Construction of grain elevators on certain Railways.....	3
4 Wheat not to be delivered in defined areas unless to or at an elevator	4
5 Rights, duties etc of Board and persons using elevators.....	4
6 Consequence of transfer of Railways to New South Wales Government.....	4

Border Railways (Grain Elevators) Amendment Act 1957 No 9



New South Wales

An Act to enable the Grain Elevators Board of the State of Victoria to construct and operate grain elevators along the Yarrowonga-Oaklands, Echuca-Deniliquin and Barnes-Balranald Railway lines; to make provision for the delivery of wheat to such elevators; to amend the *Border Railways Act 1922-1941*; and for purposes connected therewith.

1 Name of Act and construction

- (1) This Act may be cited as the *Border Railways (Grain Elevators) Amendment Act 1957*.
- (2) This Act shall be read and construed subject to the *Commonwealth of Australia Constitution Act*, and so as not to exceed the legislative power of the State, to the intent that where any provision of this Act, or the application thereof to any person or circumstance is held invalid, the remainder of this Act, and the application of such provision to other persons or circumstances shall not be affected.

2 Definitions

In this Act:

Board means the Grain Elevators Board constituted under the Grain Elevators Acts of the Parliament of the State of Victoria.

Grain elevator includes weighbridges and other appurtenances connected with a grain elevator.

3 Construction of grain elevators on certain Railways

Notwithstanding anything contained in the *Border Railways Act 1922-1941*, or the Agreement set out in the Schedule thereto, or any other Act, the corporation, in which the lands resumed or acquired in accordance with section eight of the *Border Railways Act 1922-1941*, for the purposes of the Yarrowonga-Oaklands, Echuca-Deniliquin and Barnes-Balranald Railways are vested pursuant to that section, may set aside as sites for the construction, maintenance and operation of grain elevators so much of the land resumed or acquired for the purpose of any such railway as is agreed upon between the said corporation and the Board and the Board may construct, maintain, operate and

control grain elevators on any land so set aside.

No such grain elevator shall be constructed unless the size, type, construction, design, number and location thereof have been approved by the Governor.

4 Wheat not to be delivered in defined areas unless to or at an elevator (cf Act No 4270 of 1934 (Vic))

- (1) Where a grain elevator has been constructed and is maintained, operated or controlled by the Board pursuant to this Act, the Governor may, by proclamation published in the Gazette, define an area as the area with respect to which the grain elevator has been constructed to provide facilities for handling wheat grown or being therein, and from and after a date specified in the proclamation any person who, without the consent of the Board, delivers for transport or for storage within the area so defined any wheat grown in New South Wales except through the agency of the Board shall be guilty of an offence.
- (2) Any person who is convicted of an offence against the provisions of subsection one of this section shall be liable to a penalty not exceeding two hundred dollars.
- (3) Any contract made in contravention of the provisions of this section shall be void.
- (4) Any proclamation under subsection one of this section may be amended, varied or revoked by a subsequent proclamation.

5 Rights, duties etc of Board and persons using elevators

- (1) The provisions of the Grain Elevators Acts of the Parliament of the State of Victoria regulating the rights, powers, duties and obligations conferred or imposed by such Acts on the Board in respect of the operation and control of grain elevators in the said State and on persons delivering wheat in the said State to the Board for transport or storage shall apply, mutatis mutandis, to the operation and control of the grain elevators constructed pursuant to this Act, and to persons delivering wheat in the State of New South Wales to the Board for transport or storage.
- (2) The Board and any other person shall have and enjoy the same exemptions, immunities and privileges in respect of anything done or omitted to be done in connection with the construction, maintenance, operation or control of the grain elevators constructed pursuant to this Act as it or he, as the case may be, would have under the provisions of the Grain Elevators Acts of the Parliament of the State of Victoria if such thing had been done or omitted to be done in connection with the construction, maintenance, operation or control of grain elevators in that State.

6 Consequence of transfer of Railways to New South Wales Government

- (1) In the event of the Yarrowonga-Oaklands, Echuca-Deniliquin or Barnes-Balranald Railway being sold to the Government of the State of New South Wales in accordance

with clause thirty-eight of the Agreement set out in the Schedule to the *Border Railways Act 1922-1941*, the Government of the State of New South Wales shall pay to the Board the value as hereinafter determined of the grain elevators constructed, maintained, operated and controlled by the Board pursuant to this Act, upon the land resumed or acquired for the purpose of any such Railway.

The provisions of the said clause thirty-eight shall apply, *mutatis mutandis*, in assessing the value of such grain elevators.

Payment in accordance with this subsection shall be in full satisfaction of all claims whatsoever in respect of such grain elevators.

- (2) Upon the completion of such sale, the rights and powers conferred by this Act upon the Board or the corporation referred to in section three of this Act in respect of such grain elevators shall cease and determine, and the management and control of the grain elevators shall vest in such authority as the Governor may, by proclamation published in the Gazette, appoint.