



ANNO DECIMO TERTIO

ELIZABETHAE II REGINAE

A.D. 1964

No. 37 of 1964

An Act to amend the Bulk Handling of Grain Act,
1955-1962.

[Assented to 22nd October, 1964.]

BE IT ENACTED by the Governor of the State of South Australia, with the advice and consent of the Parliament thereof, as follows:—

Short titles.

1. (1) This Act may be cited as the "Bulk Handling of Grain Act Amendment Act, 1964".

(2) The Bulk Handling of Grain Act, 1955-1962, as amended by this Act, may be cited as the "Bulk Handling of Grain Act, 1955-1964".

(3) The Bulk Handling of Grain Act, 1955-1962, is hereinafter referred to as "the principal Act".

Incorporation.

2. This Act is incorporated with the principal Act and that Act and this Act shall be read as one Act.

Amendment of
principal Act,
s. 2.

3. Section 2 of the principal Act is amended—

(a) by inserting before the definition of "bulk handling facilities" therein the following definition:—

"the Barley Board" means the Australian Barley Board constituted under the Barley Marketing Act, 1947-1962 ;

(b) by striking out the word "wheat" twice occurring in the definition of "grade" therein and inserting in lieu thereof the word "grain" in each case ;

- (c) by inserting therein after the definition of "grade" therein the following definition :—
"grain" means wheat, oats and barley or any of them ;
- (d) by striking out the passage "1954, of the State" in the definition of "licensed receiver" therein and inserting in lieu thereof the passage "1963, of the State or, as the case may be, of the Barley Marketing Act, 1947-1962";
- (e) by inserting after the definition of "licensed receiver" the following definition :—
"maltster" means a person who carries on the business of malting or otherwise processing barley into malt ;
- (f) by inserting therein after the figures "1954" in the definition of "the Wheat Board" the passage "and the Wheat Industry Stabilization Act, 1963".

4. The following section is inserted in the principal Act after section 4b thereof :—

Enactment of
s. 4c of
principal Act—

4c. (1) In addition to any guarantee executed by the Treasurer pursuant to sections 4, 4a and 4b of this Act, the Treasurer may execute a guarantee in favour of the Commonwealth Trading Bank of Australia for the repayment of any sum not exceeding five hundred thousand pounds being the whole or any part of any loan (other than a loan made in pursuance of the provisions of any of the said sections) by that Bank to the company on the security of a mortgage or charge over the assets of the company.

Further
guarantee by
Treasurer.

(2) The guarantee shall contain such terms and conditions as are agreed upon between the Treasurer and the said bank.

(3) If any sum becomes payable to the said bank by the Treasurer under a guarantee given pursuant to this section, the Treasurer may pay that sum out of the general revenue of the State.

This section, without other appropriation, shall be sufficient authority for making any such payment.

5. Section 8 of the principal Act is repealed.

Repeal of s. 8
of principal
Act.

6. Section 9 of the principal Act is amended—

Amendment of
principal Act,
s. 9

- (a) by striking out the word "wheat" wherever occurring therein (except in paragraph (b) of subsection (2) thereof) and inserting in lieu thereof the word "grain" in each case ;

- (b) by inserting therein after the words "Wheat Board" in paragraphs (c) and (d) of subsection (2) thereof the words "or the Barley Board" in each case ;
- (c) by striking out the words "that board" in paragraph (c) of the said subsection (2) thereof and inserting in lieu thereof the words "either of such boards respectively".

Amendment of
principal Act,
s. 12.

7. Section 12 of the principal Act is amended—

- (a) by inserting after the word "wheat" twice occurring in subsection (1) thereof the words "and barley" in each case ;
- (b) by inserting after the words "Wheat Board" in paragraphs (a) and (b) of subsection (2) thereof the words "or as the case may be the Barley Board" in each case ;
- (c) by inserting after the word "wheat" wherever occurring in paragraphs (a), (b), (d), (e) and (f) of the said subsection (2) thereof the words "or barley" in each case ;
- (d) by inserting after the expression "the Wheat Board's" in paragraphs (a) and (f) of the said subsection (2) thereof the expression "or the Barley Board's" in each case ;
- (e) by inserting the following paragraph in the said subsection (2) thereof after paragraph (c) thereof :—
 - (c1) prevent any person who uses barley in malting or manufacture from establishing at his malting house or factory or at any other place in the town in which his malting house or factory is situated, (or at any place in the metropolitan area as defined in the Town Planning Act, 1929-1963, if his malting house or factory is situated within that area) or in accordance with a permit under this section, any bulk handling facilities for receiving and storing and handling barley to be used in such malting or manufacture ;
- (f) by inserting after the word "miller" wherever occurring in subsection (3) thereof the words "or maltster" in each case ;
- (g) by inserting after the word "wheat" wherever occurring in the said subsection (3) thereof the words "or, as the case may be, barley" in each case ;

- (h) by inserting therein after the word "mill" in paragraph (b) of the said subsection (3) thereof the words "or as the case may be his malting house or factory";
- (i) by inserting after the word "bins" last occurring in the said subsection (3) thereof the passage "malting houses, factories,";
- (j) by inserting after the word "wheat" in subsection (4) thereof the words "or barley" in each case.

8. Subsection (2) of section 14 of the principal Act is struck out. Amendment of principal Act, s. 14.

9. Subsection (2) of section 16 of the principal Act is amended by striking out the word "or" after paragraph (a) thereof and by striking out paragraph (b) thereof. Amendment of principal Act, s. 16.

10. Section 19 of the principal Act is amended— Amendment of principal Act, s. 19.

- (a) by inserting after the word "wheat" wherever occurring therein the words "or barley" in each case ;
- (b) by striking out the figures "1954" in subsections (1) and (2) thereof and inserting in lieu thereof in each case the passage "1963 of the Commonwealth as amended from time to time or any Act in substitution therefor or as the case may be the Barley Marketing Act, 1947-1963";
- (c) by inserting after the words "Wheat Board" in subsection (2) thereof the passage "or in the case of barley, the Barley Board".

11. Section 21 of the principal Act is amended by striking out the passage "otherwise than as a licensed receiver" therein. Amendment of principal Act, s. 21.

12. Section 29 of the principal Act is amended— Amendment of principal Act, s. 29.

- (a) by striking out the words "wheat or other" wherever occurring therein ;
- (b) by striking out the passage "any other authority" in subsection (3) thereof and inserting in lieu thereof the passage " , the Barley Board or by any other person or authority".

13. Section 30 of the principal Act is amended— Amendment of principal Act, s. 30.

- (a) by inserting after the word "wheat" therein the words "or barley";
- (b) by inserting therein after the words "Wheat Board" the words "or, as the case may be, the Barley Board".

Amendment of
principal Act,
s. 33.

14. Section 33 of the principal Act is amended—

(a) by striking out the passage “grain (other than wheat)” in subsection (1) thereof and inserting in lieu thereof the passage “or bagged barley or oats”;

(b) by inserting the following subsection therein after subsection (2) thereof:—

(3) The company shall not receive any bagged barley except at a place where no licensed receiver or other barley merchant is carrying on the business of receiving barley.

Consequential
amendments
to principal
Act.

15. The provisions of the principal Act specified in the first column of the schedule to this Act are amended as respectively specified in the second column of that schedule.

In the name and on behalf of Her Majesty, I hereby
assent to this Bill.

EDRIC BASTYAN, Governor.

SCHEDULE.

CONSEQUENTIAL AMENDMENTS TO PRINCIPAL ACT.

First Column. Provision of Principal Act.	Second Column. How Amended.
Preamble—Second paragraph . . .	By striking out “wheat” and inserting “grain” in lieu thereof.
Section 10—Subsection (1), Paragraph (b)	By striking out “wheat” and inserting “grain” in lieu thereof.
Section 11	By striking out “wheat” twice occurring and inserting “grain” in lieu thereof in each case.
Heading immediately preceding Section 12	By striking out “Wheat” and inserting “Grain” in lieu thereof.
Section 14—Subsection (1)	By inserting after “wheat” the words “and barley”.
Section 15	By striking out “wheat” wherever occurring and inserting “grain” in lieu thereof in each case.
Section 17	By striking out “wheat” and inserting “grain” in lieu thereof.
Section 20	By striking out “wheat” twice occurring and inserting “grain” in lieu thereof in each case.
Section 21	By striking out “wheat” twice occurring and inserting “grain” in lieu thereof in each case.
Section 23	By striking out “wheat” wherever occurring and inserting “grain” in lieu thereof in each case.
Section 24	By striking out “wheat” wherever occurring and inserting “grain” in lieu thereof in each case.
Section 25—Subsection (1)	By striking out “wheat” wherever occurring and inserting “grain” in lieu thereof in each case.
Section 26	By striking out “wheat” wherever occurring and inserting “grain” in lieu thereof in each case.
Section 27	By striking out “wheat” wherever occurring and inserting “grain” in lieu thereof in each case.
Section 28	By striking out “wheat” wherever occurring and inserting “grain” in lieu thereof in each case.
Heading immediately preceding Section 30	By striking out “Wheat” and inserting “Grain” in lieu thereof.
Section 31—	
Subsection (1)	By striking out “wheat” (first, third and fourth occurring) and inserting “grain” in lieu thereof in each case.
	By striking out “wheat” (second occurring) and inserting in lieu thereof “grain of the same kind and”.
Subsection (2)	By striking out “wheat” (first and third occurring) and inserting in lieu thereof “grain” in each case.
	By striking out “wheat” (second occurring) and inserting in lieu thereof “grain of the same kind”.
Section 32	By striking out “wheat” therein and inserting in lieu thereof “grain”.
Section 34—	
Subsection (2), Paragraphs (d), and (f) to (h) inclusive	By striking out “wheat” wherever occurring and inserting “grain” in lieu thereof in each case.
Paragraph (l)	By striking out “grain (other than wheat)” and inserting in lieu thereof “or bagged barley or of oats”.