

VICTORIA.



ANNO VICESIMO QUARTO

ELIZABETHÆ SECUNDÆ REGINÆ

No. 8726.

An Act to amend the *Grain Elevators Act 1958*.

[16th May, 1975.]

BE it enacted by the Queen's Most Excellent Majesty by and with the advice and consent of the Legislative Council and the Legislative Assembly of Victoria in this present Parliament assembled and by the authority of the same as follows (that is to say) :—

1. (1) This Act may be cited as the *Grain Elevators (Amendment) Act 1975*. Short title.

(2) The *Grain Elevators Act 1958* is in this Act referred to as the Principal Act.

Principal Act
No. 6266.
Reprinted to
No. 7486 and
subsequently
amended by
Nos. 7547,
7561, 7894, 8181
8193, 8213, 8353
and Statutory
Rules Nos.
285/1973,
104/1974.

(3) This Act shall come into operation on a day to be fixed by proclamation of the Governor in Council published in the *Government Gazette*.

Commence-
ment.

Amendment of
No. 6266 s. 3.
Interpretation.

2. In sub-section (1) of section 3 of the Principal Act for the interpretation of "Grain" there shall be substituted the following interpretation :—

"Grain" includes wheat, barley, oats, sorghum, maize, rice, oil seeds and all prescribed kinds, qualities and varieties of grain but does not include seed grain purchased by growers of grain for *bona fide* use by the purchasers in their farming operations."

Amendment of
No. 6266 s. 4.
Corporate
powers of
Board.

3. (1) In sub-section (3) of section 4 of the Principal Act—

(a) the words "for the purposes of and subject to this Act" are repealed; and

(b) after the word "exchanging" there shall be inserted the words "subject to and for the purposes of this Act."

(2) After sub-section (3) of section 4 of the Principal Act there shall be inserted the following sub-section :—

Power to
Board to sell
&c. property
surplus to its
requirements.

"(4) The Board shall have power to sell, lease, hire or rent for any purpose approved in writing by the Minister land and real and personal property surplus to its requirements."

Amendment of
No. 6266 s. 9.
Increase in
penalty for
exacting fee
or reward.

4. In sub-section (1) of section 9 of the Principal Act for the expression "\$200" there shall be substituted the expression "\$500".

Amendment of
No. 6266 s. 10.

5. After sub-section (2) of section 10 of the Principal Act there shall be inserted the following sub-section :—

Variation of
Orders defining
areas.

"(2A) The Governor in Council may by the like Order revoke or vary any Order made under sub-section (2) but no such revocation or variation shall in any way affect the previous operation of the Order or any right, privilege, obligation or liability acquired, accrued or incurred under the Order before it was so revoked or varied."

Amendment of
No. 6266 s. 12.
Commissioners.

6. In section 12 of the Principal Act in the proviso to paragraph (c) for the word "Commissioners" there shall be substituted the words "Victorian Railways Board".

Amendment of
No. 6266 s. 15.

7. For sub-section (2) of section 15 of the Principal Act there shall be substituted the following sub-section :—

Recovery of
damages to
installations.

"(2) The Board may recover damages as aforesaid notwithstanding that such damage was occasioned by act of God or inevitable accident or that it occurred without any negligent or otherwise wrongful act or omission on the part of any person and notwithstanding that such vessel was under compulsory pilotage or on tow at the time such damage was done."

8. At the end of section 30 of the Principal Act there shall be inserted the words "and in particular, without any way limiting or derogating from the generality of the foregoing, for or with respect to the leasing, hiring or renting of any property, equipment or facilities of the Board with the approval in writing of the Minister and the use of weighbridges, handling equipment, vehicles, or other property whatsoever owned by or under the management or control of the Board".

Amendment of
No. 6266 s. 30.
Charges by
Board.

9. After section 30 of the Principal Act there shall be inserted the following section :—

New section
inserted.

"30A. The Board shall have power to receive moneys—

Receipt of
moneys by
Board for
services
rendered.

(a) from the Australian Wheat Board established and continued in existence by the Wheat Industry Stabilization Acts of the Commonwealth from time to time—for services and facilities made available by the Board for the storage, protection, treatment, handling, transport and shipping of wheat in accordance with agreements entered into from time to time under the said Acts between the responsible Ministers of the Commonwealth and the State of Victoria and for expenses incurred by the Board in relation thereto ; and

(b) from the Australian Barley Board within the meaning of the *Barley Marketing Act* 1958—for services and facilities made available by the Board for the storage, protection, treatment, handling, transport and shipping of barley and for expenses incurred by the Board in relation thereto."

10. In sub-section (1) of section 35 of the Principal Act for the expression "\$1,000" there shall be substituted the expression "\$3,000".

Amendment of
No. 6266 s. 35.
Increase in
amount above
which tenders
to be called.

11. In section 36 of the Principal Act for the expression "\$10,000" there shall be substituted the expression "\$50,000".

Amendment of
No. 6266 s. 36.
Increase in
amount above
which contracts
to be
sanctioned by
Governor in
Council.

12. In sub-section (1) of section 38 of the Principal Act for the expression "\$32,000,000" there shall be substituted the expression "\$37,000,000".

Amendment of
No. 6266 s. 38.
Increase in
amount which
may be
applied out of
Loan Fund.

13. In section 40 of the Principal Act for the expression "\$32,000,000" (wherever occurring) there shall be substituted the expression "\$37,000,000".

Amendment of
No. 6266 s. 40.
Increase in
borrowing
powers of
Board.

14. In

Amendment of
No. 6266 s. 53.
Increase in
general penalty
for offences.

Amendment of
No. 6266 s. 57.
By-laws.

14. In sub-section (1) of section 53 of the Principal Act for the expression “ \$40 ” there shall be substituted the expression “ \$100 ”.

15. In sub-section (1) of section 57 of the Principal Act—

(a) at the end of paragraph (n) there shall be inserted the words “ fixing reasonable charges for services rendered by the Board, the leasing, hiring or renting of any property, equipment or facility of the Board and the use of weighbridges, handling equipment, vehicles or other property of the Board ” ; and

(b) after paragraph (n) there shall be inserted the following paragraph :—

“ (na) regulating the operation of weighbridges under the control of the Board.”