

GRAIN ELEVATORS (AMENDMENT) BILL, 1966

EXPLANATORY NOTE

THE objects of this Bill are—

- (a) to modify the power of the Minister to direct and control the Grain Elevators Board in the exercise and performance of its powers, authorities, duties and functions ;
- (b) to reconstitute the Grain Elevators Board to provide for four elected representatives of wheatgrowers in lieu of two nominated representatives ;
- (c) to repeal the provision of the Grain Elevators Act, 1954–1965, whereby the Chairman of the Grain Elevators Board is ex officio the Manager of the Board and his deputy the Acting Manager ;
- (d) to empower the Grain Elevators Board to enter into contracts for the storage of grain other than wheat provided this is not done so as to prejudice the performance of its duties and functions in relation to wheat ;
- (e) to make provisions ancillary to or consequential upon the foregoing.

CRAN ELEVATORS (AMENDMENT) BILL, 1980

EXPLANATORY NOTE

The object of the Bill is—

- (a) to establish the Cran Elevators Board and to provide for the exercise of its powers and the performance of its functions in relation to the Board;
- (b) to provide for the Cran Elevators Board to be a body consisting of not less than five members, of whom not more than three shall be nominated by the Government;
- (c) to provide for the Board to be a body consisting of not more than three members, of whom not more than one shall be nominated by the Government;
- (d) to provide for the Board to be a body consisting of not more than three members, of whom not more than one shall be nominated by the Government;
- (e) to provide for the Board to be a body consisting of not more than three members, of whom not more than one shall be nominated by the Government;

No. , 1966.

A BILL

To increase the representation of wheatgrowers on the Grain Elevators Board; to make further provisions with respect to the powers, authorities, duties and functions of the Board and its Chairman; for these and other purposes to amend the Grain Elevators Act, 1954-1965; and for purposes connected therewith.

[MR CHAFFEY—8 December, 1966.]

BE

Grain Elevators (Amendment).

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:—

1. (1) This Act may be cited as the "Grain Elevators (Amendment) Act, 1966".

Short title and citation.

(2) The Grain Elevators Act, 1954, as amended by subsequent Acts and by this Act, may be cited as the Grain Elevators Act, 1954–1966.

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

2. (1) The Principal Act is amended—

Amendment of Act No. 36, 1954.

(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";

Sec. 7. (Constitution of Board.)

(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 of the same section and by inserting in lieu thereof the following paragraph :—

5 (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;

10 (b) (i) by inserting next after subsection one of section twenty-three the following new subsection :— (Sec. 23. (Contracts.)

15 (1A) The Board may, subject to this Act and so as not to prejudice the performance of the duties and functions otherwise imposed 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.

20 (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".

25 (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.

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

(ii)

Grain Elevators (Amendment).

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

5 (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.

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

15 (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.

20 (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)";

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

30 (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.

35 (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 following new paragraph :—

5 (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
10 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
15 "(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 :—

20 (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—

25 (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 a person elected as prescribed, which-
30 ever first occurs; or

(ii) where the vacancy is caused by the expiration of a term of office, until
35 the appointment to that office of a person elected as prescribed.

(b)

Grain Elevators (Amendment).

- (b) by omitting from paragraph (b) of subsection four of section nine the word "Three" and by inserting in lieu thereof the word "Four"; Sec. 9. (Board to be body corporate.)
- 5 (c) by inserting next after paragraph (k) of subsection one of section fifty-seven the following new paragraph:— Sec. 57. (Regulations.)
- 10 (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;
- (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—
- 20 (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;
- 25 (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
- 30 (c) the provisions of this section shall come into force for all purposes.
- (4) Nothing contained in this section shall prejudice or affect—
- 35 (a) the continuity of the body corporate constituted under the Principal Act; or
- (b)

Grain Elevators (Amendment).

- 5 (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.

BY AUTHORITY:

V. C. N. BLIGHT, GOVERNMENT PRINTER, SYDNEY, NEW SOUTH WALES—1966

General Provisions

(b) The term of office of the members of the Board shall be for a term of five years, and they shall be appointed by the Governor and confirmed by the Senate. They shall hold office until their successors are appointed. The Governor may remove any member of the Board for cause. The Board shall continue notwithstanding the expiration of its term.

ARTICLE II

SECTION 1. The Board of Directors of the State of Mississippi shall consist of five members, to be appointed by the Governor and confirmed by the Senate.

No. , 1966.

A BILL

To increase the representation of wheatgrowers on the Grain Elevators Board; to make further provisions with respect to the powers, authorities, duties and functions of the Board and its Chairman; for these and other purposes to amend the Grain Elevators Act, 1954-1965; and for purposes connected therewith.

[MR CHAFFEY—8 *December*, 1966.]

BE

Grain Elevators (Amendment).

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 :—

1. (1) This Act may be cited as the "Grain Elevators (Amendment) Act, 1966".

Short title and citation.

(2) The Grain Elevators Act, 1954, as amended by subsequent Acts and by this Act, may be cited as the Grain Elevators Act, 1954–1966.

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

2. (1) The Principal Act is amended—

Amendment of Act No. 36, 1954.

(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";

Sec. 7. (Constitution of Board.)

(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 of the same section and by inserting in lieu thereof the following paragraph :—

5

(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;

10

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

15

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

20

(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".

25

(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.

30

(a) (i) by omitting from subsection three of section seven the word "five" and by inserting in lieu thereof the word "seven";

Sec. 7. (Constitution of Board.)

(ii)

Grain Elevators (Amendment).

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

5 (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.

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

15 (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.

20 (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)";

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

30 (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.

35 (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 following new paragraph :—

5 (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.

- 15 (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 :—

20 (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—

25 (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 a person elected as prescribed, whichever first occurs; or

30 (ii) where the vacancy is caused by the expiration of a term of office, until the appointment to that office of a person elected as prescribed.

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(b)

Grain Elevators (Amendment).

- (b) by omitting from paragraph (b) of subsection four of section nine the word "Three" and by inserting in lieu thereof the word "Four"; Sec. 9.
(Board to be body corporate.)
- 5 (c) by inserting next after paragraph (k) of subsection one of section fifty-seven the following new paragraph :— Sec. 57.
(Regulations.)
- 10 (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;
- 15 (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—
- 20 (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;
- 25 (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
- 30 (c) the provisions of this section shall come into force for all purposes.
- (4) Nothing contained in this section shall prejudice or affect—
- 35 (a) the continuity of the body corporate constituted under the Principal Act; or
- (b)

Grain Elevators (Amendment).

5 (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.

BY AUTHORITY:

V. C. N. BLIGHT, GOVERNMENT PRINTER, SYDNEY, NEW SOUTH WALES—1966

[10c]

