

WESTERN AUSTRALIA

**AGRICULTURAL LEGISLATION
AMENDMENT AND REPEAL
ACT 1995**

No. 61 of 1995

AN ACT to repeal the *Soil Fertility Research Act 1954*, to amend the *Grain Marketing Act 1975* and for related purposes.

[Assented to 20 December 1995.]

The Parliament of Western Australia enacts as follows:

PART 1 — PRELIMINARY

Short title

1. This Act may be cited as the *Agricultural Legislation Amendment and Repeal Act 1995*.

Commencement

2. The provisions of this Act come into operation on such day as is, or days as are respectively, fixed by proclamation.

**PART 2 — REPEAL OF *SOIL FERTILITY RESEARCH
ACT 1954* AND TRANSFER OF FUND MONEYS**

Fund moneys to be transferred

3. (1) Moneys standing to the credit of the Soil Fertility Research Fund immediately before the commencement of this Act are to be transferred to the Grain Research Fund.

(2) The Grain Research Fund is charged with any liabilities of the Soil Fertility Research Fund which arose before the commencement of this Act.

(3) In this section —

“Grain Research Fund” has the same meaning as it has for the purposes of the *Grain Marketing Act 1975*;

“Soil Fertility Research Fund” has the same meaning as it has for the purposes of the *Soil Fertility Research Act 1954*.

Repeal of *Soil Fertility Research Act 1954*

4. The *Soil Fertility Research Act 1954* is repealed.

PART 3 — GRAIN MARKETING ACT 1975

Principal Act

5. In this Part the *Grain Marketing Act 1975** is referred to as the principal Act.

[* *Reprinted as at 13 March 1989.*
*For subsequent amendments see 1994 Index to
Legislation of Western Australia, Table 1, p. 91.]*

Section 5 amended

6. Section 5 (1) of the principal Act is amended —
- (a) by deleting the definitions of “Schedule”, “section” and “subsection”; and
 - (b) by inserting in the appropriate alphabetical positions the following definitions —

“

“**Grain Research Fund**” means the Grain
Research Fund referred to in
section 28;

“**reserve fund**” means the reserve fund
vested in the Grain Pool under
section 18;

”.

Section 18 amended

7. Section 18 (a) of the principal Act is amended by inserting after “under this Act” the following —

“ and is to be known as the reserve fund ”.

Section 19 amended

8. (1) Section 19 (h) of the principal Act is amended —
- (a) by deleting “reserve funds vested in the Grain Pool by the operation of section 18” and substituting the following —
“ the reserve fund ”; and
 - (b) by deleting “such reserve funds” and “any such reserve funds” and substituting in each place the following —
“ the reserve fund ”.
- (2) Section 19 (i) of the principal Act is amended —
- (a) by deleting “established under section 28”; and
 - (b) by deleting “funds” and substituting the following —
“ fund ”.
- (3) Section 19 (j) of the principal Act is amended —
- (a) by deleting “funds vested in the Grain Pool by the operation of section 18” and substituting the following —
“ fund ”; and
 - (b) by deleting “established under section 28”.
- (4) Section 19 (k) of the principal Act is amended —
- (a) by inserting before “to apply” the following —
“ subject to section 34E, ”; and

- (b) by deleting “reserve funds vested in the Grain Pool by the operation of section 18” and substituting the following —

“ of the reserve fund ”.

- (5) Section 19 (1) of the principal Act is amended —

- (a) by deleting “established under section 28”; and
(b) by deleting “section 28 (9)” and substituting the following —

“ sections 19B and 28 (9) ”.

Section 19B inserted

9. After section 19A of the principal Act the following section is inserted —

“

Moneys transferred from Soil Fertility Research Fund to the Grain Research Fund

19B. A separate balance is to be held in respect of the moneys transferred to the Grain Research Fund from the Soil Fertility Research Fund under the *Agricultural Legislation Amendment and Repeal Act 1995* and that part of the fund is to be applied only —

- (a) in payment of any liabilities of the Soil Fertility Research Fund, in accordance with section 3 (2) of the *Agricultural Legislation Amendment and Repeal Act 1995*, which arose before the commencement of that Act;
- (b) in payment of the costs of administering that part of the fund; and
- (c) as is prescribed.

”.

Heading to Division 1 amended

10. The heading to Division 1 in Part III of the principal Act is amended by deleting "*Marketing Pools*" and substituting the following —

" *Prescribed and Approved Grains* ".

Section 22A amended

11. Section 22A (2) (c) of the principal Act is amended by deleting "established under section 28".

Section 25 amended

12. Section 25 (b) of the principal Act is amended by inserting after "that" the following —

" for the compulsory pool ".

Section 28 amended

13. Section 28 (3) of the principal Act is amended by deleting "paid into a reserve fund to be applied for grain research" and substituting the following —

"
applied for grain research and shall be paid into a
reserve fund
".

Section 34B amended

14. Section 34B of the principal Act is amended —

- (a) in subsection (1) by deleting “, where a grain is an authorized grain, enter into a contract” and substituting the following —

“ in accordance with this Division, enter into a contract in respect of —

(a) authorized grain; or

(b) prescribed grain,

or both,

”;

- (b) by inserting after subsection (1) the following subsection —

“ (1a) The Grain Pool may not, in any one year, contract under subsection (1) to acquire prescribed grain in excess of the maximum amount decided by the Minister in writing, after consultation with the Grain Pool, in relation to that grain.

”;

and

- (c) in subsection (2) by deleting “notwithstanding that the grain to which it relates has ceased to be authorized grain.” and substituting the following —

“ notwithstanding —

(a) that the contract was entered into in respect of authorized

grain and that grain has ceased
to be authorized grain; or

- (b) that the contract was entered
into in respect of prescribed
grain in excess of the maximum
amount that the Grain Pool is to
acquire under subsection (1a).

”.

Section 34E inserted

15. After section 34D of the principal Act the following section
is inserted —

“

**Reserve fund may be applied to meet trading
deficit**

34E. Where the Grain Pool does not have sufficient
surplus money derived from trading under this
Division, it may apply such amounts of the reserve
fund as it considers necessary to fulfil its obligations
under this Division.

”.

Section 34F inserted

16. After section 34E of the principal Act the following section
is inserted —

“

Approval of Minister

34F. The Grain Pool must have the written approval
of the Minister before applying any amount from the
reserve fund under section 34E.

”.