



ANNO TRICESIMO PRIMO

ELIZABETHAE II REGINAE

A.D. 1982

No. 4 of 1982

An Act to amend the Seeds Act, 1979.

[Assented to 25 February 1982]

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

1. (1) This Act may be cited as the "Seeds Act Amendment Act, 1982". Short titles.
- (2) The Seeds Act, 1979, is in this Act referred to as "the principal Act".
- (3) The principal Act, as amended by this Act, may be cited as the "Seeds Act, 1979-1982".

2. This Act shall come into operation on a day to be fixed by proclamation. Commencement.

3. Section 7 of the principal Act is amended— Amendment of s. 7—
Statement to be furnished in relation to sale of seeds.
 - (a) by striking out from subsection (1) the passage "a statement in the prescribed form" and substituting the passage "a written statement";
 - (b) by inserting after paragraph (a) of subsection (3) the following paragraphs:
 - (ab) the proportion by mass (expressed as a percentage) that the seeds of the principal species, or, where more than one, each of the principal species, bear to the total mass of the seeds and inert matter mixed with the seeds;
 - (ac) the proportionate number (expressed in the prescribed manner) of seeds of prescribed species (other than principal species) that are included in the mixture of seeds and inert matter;;
 - (c) by striking out from paragraph (b) of subsection (3) the passage "of the seeds" and substituting the passage "of the seeds of the principal species or, where more than one, of each of the principal species";

(d) by striking out paragraph (d) of subsection (3) and substituting the following paragraph:

(d) the proportion by mass (expressed as a percentage) that inert matter mixed with the seeds bears to the total mass of the seeds and inert matter;;

(e) by striking out paragraph (e) of subsection (3) and substituting the following paragraph:

(e) all chemical treatment to which the seeds have been subjected during processing;;

(f) by striking out from paragraph (f) of subsection (3) the word "any" and substituting the word "all";

(g) by inserting after subsection (5) the following subsection:

(5a) A statement is not false for the purposes of subsection (5) if the information contained in the statement conforms with limits of accuracy prescribed by the regulations.;

(h) by striking out paragraph (b) of subsection (6) and substituting the following paragraph:

(b) the sale of seeds of prescribed species where the vendor reasonably expects that the seeds will not be used by the purchaser for the germination or propagation of plants;;

(i) by striking out from subsection (6) the word "or" between paragraphs (b) and (c) and inserting after paragraph (c) the following paragraph:

or

(d) the sale of seeds by a person exempted by or under the regulations from the provisions of this section in relation to the sale.;

and

(j) by inserting after subsection (6) the following subsections:

(7) The regulations—

(a) may exempt, or provide for the exemption of, a person, or persons of a specified class, from the provisions of this section in relation to the sale of seeds generally or in relation to the sale of seeds of specified species;

and

(b) may prescribe conditions that attach, or may be attached, to any such exemption.

(8) In this section—

"inert matter" has the meaning assigned by the regulations:

"principal species" means a species comprising not less than the prescribed percentage, by mass, of the total mass of the seeds and inert matter mixed with the seeds.

4. Section 8 of the principal Act is amended—

Amendment of
s. 8—
Defences.

(a) by striking out paragraph (b) and substituting the following paragraph:

(b) that before the sale he obtained an undertaking from the purchaser that the purchaser would treat or clean the seeds before reselling them and that the seeds were sold on the understanding that the purchaser would comply with that undertaking;;

(b) by striking out subparagraphs (ii) and (iii) of paragraph (c) and substituting the following subparagraph:

(ii) the sale of the seeds was incidental to a business of primary production;;

and

(c) by striking out from sub-subparagraph (A) of subparagraph (iv) of paragraph (c) the expression "30 kilometres" and substituting the expression "50 kilometres".

5. Section 12 of the principal Act is amended by striking out from paragraph (d) of subsection (2) the passage "two hundred dollars" and substituting the passage "five hundred dollars".

Amendment of
s. 12—
Regulations.

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

K. D. SEAMAN, Governor