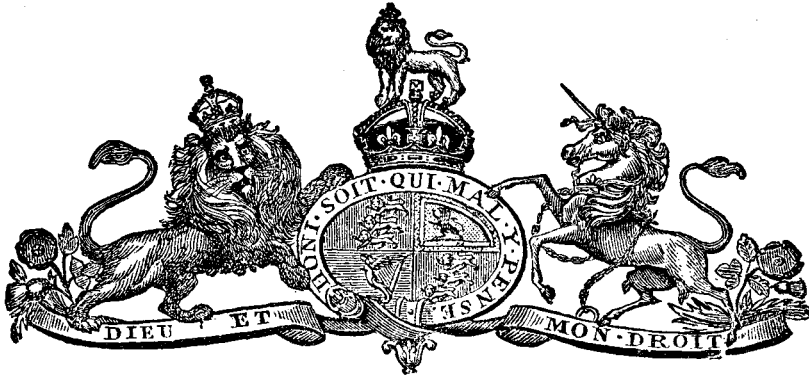


TASMANIA.



1930.

ANNO VICESIMO PRIMO

GEORGI V. REGIS.

No. 67.

ANALYSIS.

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AN ACT to regulate and control the Production, Supply, and Sale of Seeds, and to provide for the Testing of Seeds in certain cases.

A.D.
1930.

[12 January, 1931.]

BE it enacted by His Excellency the Governor of Tasmania, by and with the advice and consent of the Legislative Council and House of Assembly, in Parliament assembled, as follows:—

1 This Act may be cited as "The Seeds Act, 1930."

Short title.

6d.]

Seeds.

A.D. 1930.

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Interpretation.

2 In this Act, unless the contrary intention appears, "seed" means any part of a plant intended or commonly used for planting or sowing.

Application of Act.

3—(1) This Act shall apply to the seeds of the plants enumerated in the schedule hereto, and to such other seeds as may be prescribed by the Governor, as provided by this Act.

(2) This Act shall not apply to any sale of seeds—

- I. To a person purporting to purchase them with the purpose of cleaning them before they are resold or exposed for sale:
- II. Where the purchaser buys for the purpose of reselling the same, and gives to the seller an undertaking, in writing, to have such seeds tested as provided by this Act, before reselling them or exposing them for sale:
- III. Where such seeds are not to be used for planting or sowing: or
- IV. Under the order or process of any court of law—

but the onus of proving any such matters shall lie on the seller.

Power to Governor to extend application of Act.

4 The Governor, from time to time by regulation, may prescribe that the seeds of any further or other plants, in addition to those enumerated in the schedule hereto, shall be subject to the provisions of this Act, and thereupon, and so long as such regulation remains in force, this Act shall apply to the seeds so prescribed.

Seeds to be tested before sale and free from noxious weeds.

5 Subject to the provisions of this Act no person shall sell or expose for sale any seeds—

- I. Unless the same have been tested as provided by this Act, within nine months before such sale or exposure:
- II. With which are mixed or included the seeds of any prescribed noxious weeds in excess of the percentage prescribed as permissible: or
- III. If the same or any part thereof, or of any consignment received by such person of which the same forms part, is infected with any prescribed pest or disease.

Seller to supply prescribed particulars.

6—(1) Upon every sale of seeds the seller shall supply to the purchaser a statement, in writing, signed by the seller and containing the prescribed particulars.

(2) Every such statement shall be supplied on or before delivery of the seeds to the purchaser, and a copy thereof shall be attached to, inserted in, or written on the package or container in which the seeds are delivered.

Seeds.

(3) Every person, who exposes for sale any seeds, shall cause to be displayed continuously upon or in close proximity to such seeds a conspicuous statement, in writing, containing the prescribed particulars. A.D. 1930

(4) A statement, in writing, referring specifically to a printed price-list or printed catalogue, containing the prescribed particulars, shall be sufficient compliance with the requirements of this section.

(5) The particulars required for the purposes of this section in respect of any seeds shall be based upon, and be in accordance with, the result obtained from the testing of such seeds at the official seed-testing laboratory, or at such other seed-testing laboratory, if any, as may be prescribed.

7—(1) There shall be established a laboratory for the testing of seeds at such place and under such officers as the Minister, from time to time, may determine. Testing of seeds.

(2) Such laboratory shall be known as the "Official Seed Testing Laboratory."

(3) Any person, upon payment of the prescribed fees, may obtain from the officer-in-charge of such laboratory a certificate containing the prescribed particulars in respect of any seeds submitted in the prescribed manner by such person for testing.

(4) Every such certificate shall be evidence until the contrary be proved of the several particulars thereby certified.

(5) For the purposes of this Act a test of a sample taken and submitted for testing in the prescribed manner from any bulk quantity of seeds shall be deemed to be a test of such bulk quantity.

(6) The quantity of seeds comprised in any sample submitted for testing as aforesaid shall not be less in any case than the quantity prescribed in respect of seeds of the kind to be tested.

8—(1) Any person authorised by the Minister so to do, may enter any premises where seeds are sold or exposed or kept for sale, or where such person has reasonable ground to believe that seeds are sold, or exposed, or kept for sale, and may inspect any seeds found therein. Inspection of premises.

(2) Every such entry shall be made at a reasonable time, and the person making the entry, if required, shall produce his authority so to do.

9 Any person authorised as aforesaid, may—

- I. Take in manner prescribed, and without payment therefor, samples of any seeds from the premises under inspection:

Powers of inspector.

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- II. Procure tests to be made as prescribed of any samples so taken: and
- III. Report to the Minister any breach of this Act which he may find or believe to have been committed—
and the person having possession or control of any seeds so taken shall give to every such first-mentioned person the like particulars as are required to be given under this Act in respect of a sale.

Power to
Minister to grant
exemptions and
issue licences.

10—(1) Subject to such conditions as may be prescribed, the Minister may grant and issue to any person a licence exempting such person from all or any of the provisions of this Act in respect of any sale, or exposure for sale, of any seeds.

(2) The Minister may grant to any grower of seeds a permit in respect of any particular seeds produced by him, exempting such grower from any of the provisions of this Act relating to testing or otherwise.

(3) Any such licence or permit may be subject to such conditions as may be prescribed or may be issued unconditionally.

(4) The Minister may revoke any such licence or permit at any time upon being satisfied that any such condition as aforesaid has been contravened.

Offences.

11—(1) Any person who—

- I. Sells or exposes for sale any seeds in contravention of this Act:
- II. Makes, issues, or displays any statement required under this Act which is false in any material particular:
- III. Fails to comply with any condition imposed upon him in respect of any licence granted under this Act: or
- IV. Obstructs, resists, or impedes any person authorised under this Act to make any inspection in the performance of such duty—

is guilty of an offence.

Penalty: Twenty Pounds.

(2) No person shall be convicted in any proceedings under Paragraph II. of Subsection (1) hereof if the misstatement alleged therein is in respect of the purity or germinative quality of seeds and the percentage stated therein does not differ from the true percentage by more than the percentage of variation prescribed as permissible.

(3) No proceedings shall be taken in respect of an offence under this Act, except with the authority of the Minister.

Procedure.

12 All proceedings in respect of offences against this Act shall be disposed of summarily.

Seeds.

13 For the purposes of any civil proceedings, any statement made as provided by this Act, in respect of the purity or germinative quality of any seeds, shall be deemed to be true if the percentage stated therein does not differ from the true percentage by more than the percentage of variation prescribed as permissible.

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Civil proceedings.

14—(1) The purchaser of any seeds, where—

- I. The seller's statement, as required by this Act, in relation thereto is untrue: or
- II. The purity or germinative quality of the seeds is found by test, as provided by this Act, to be less by more than the percentage prescribed as permissible than the percentage for which the purchaser stipulated—

Remedy of purchaser if statement untrue or quality inferior.

may return the same to the seller, subject to the prescribed conditions, notwithstanding that he has accepted delivery thereof.

(2) Every test, for the purposes of this section, shall be made within the prescribed time and subject to the prescribed conditions.

(3) The purchaser, if he complies with the prescribed conditions, may recover from the seller in any court of competent jurisdiction any expense incurred by him in respect of any seeds so returned by him to the seller as aforesaid.

15—(1) All seeds imported into this State shall be accompanied by a certificate certifying that the same have been tested as prescribed, and containing a statement showing the percentage of germination disclosed by such test.

Seeds imported to be accompanied by a certificate.

(2) No seeds imported as aforesaid shall be sold or used in this State unless the same comply with the provisions of Subsection (1) hereof or unless the same have been tested as prescribed in this State.

Penalty: Twenty Pounds.

16—(1) The Governor, from time to time, may make regulations, under and for the purposes of this Act, prescribing all matters and things which may be necessary or desirable for giving effect to the provisions of this Act, and, in addition to any such matters, any such regulations may prescribe—

Regulations.

- I. The issue of licences for the growing or production of seeds, the prohibition of any such growing, or production by unlicensed persons, within any prescribed area, and the regulating of all matters pertaining thereto: and
- II. All matters relating to the taking of samples, the procedure thereon, the testing thereof, and mode of proving the results of such testing which shall be sufficient.

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(2) Any such regulations may exempt, from any specified provisions of this Act, the sale of any specified seeds in quantities not exceeding the amount prescribed.

(3) Any such regulation may impose a penalty not exceeding Twenty Pounds for the breach of any regulation so made.

SCHEDULE.

Rye Grass (*Lolium species*).

Cocksfoot (*Dactylis glomerata*).

Red Clover (*Trifolium pratense*).

White Clover (*Trifolium repens*).

Subterranean Clover (*Trifolium subterraneum*).

Swede (*Brassica rutabaga*).