

## MARKETING OF ONIONS.

2° Elizabeth II., No. XXXIX.

No. 39 of 1953.

AN ACT to amend the Marketing of Onions Act,  
1938-1952.

[Assented to 18th December, 1953.]

**B**E 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 Western Australia, in this present Parliament assembled, and by the authority of the same, as follows:—

Short title  
and citation

1. (1) This Act may be cited as the *Marketing of Onions Act Amendment Act, 1953*.

(2) In this Act, the Marketing of Onions Act, 1938-1952,

Act No. 52 of 1938 as amended by Acts Nos. 13 of 1945 and 19 of 1952,

is referred to as the principal Act.

(3) The principal Act as amended by this Act may be cited as the Marketing of Onions Act, 1938-1953.

Commence-  
ment.

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

S. 2  
amended.

3. Section two of the principal Act is amended—

(a) by adding after the interpretation, "Grower" the following interpretation:—

"License" means a license issued under this Act and includes a renewed license; and

- (b) by adding after the interpretation, "Public notice" the following interpretation:—

"Year" means the period commencing on the first day of January and ending on the next following thirty-first day of December.

4. Section three of the principal Act is amended— S. 3 amended.

- (a) by substituting for the word, "three" in line two of subsection (5) the word, "four";
- (b) by adding after the word, "manner," in line three of subsection (5) the words, "one of whom shall be a grower selected from a panel of names submitted by the growers"; and
- (c) by adding after subsection (7) the following subsection:—

(8) The office of member of the Board becomes vacant if the occupant of the office receives from the Board remuneration or other payment or reward for his services rendered to the Board other than remuneration or expenses paid under section seven of this Act to him as a member of the Board.

5. Subsection (2) of section nine of the principal Act is amended— S. 9 amended.

- (a) by adding after the word, "chairman" in line one the words, "until the coming into operation of the Marketing of Onions Act Amendment Act, 1953 shall be a member"; and
- (b) by adding before the word, "shall" in line two the words, "and after the coming into operation of that Act shall be a member, nominated by the Governor, and".

6. Paragraph (h) of section eleven of the principal Act is amended by adding after subparagraph (ii) the following subparagraphs:— S. 11 amended. Cf. No. 13 of 1945, s. 2.

- (iii) Where pursuant to a request mentioned in paragraph (a) of this section a grower has delivered onions to the Board, its agent, or

a purchaser from the Board, the Board is deemed to have accepted as being of the prescribed quality and as conforming to the prescribed standard, so much of the onions as are not rejected within the time and in the manner prescribed by subparagraph (iv) of this paragraph.

- (iv) The Board, its agent, or the purchaser from the Board, whichever or whoever of them is the party to which or to whom the onions have been so delivered, may reject so much of the onions as are not of the prescribed quality or as do not conform to the prescribed standard, by serving within two days of the delivery, written notice of rejection, stating the grounds of rejection, on the grower.

Cf. No. 30 of 1918, as amended, ss. 27 and 31.

Ss. 16A to 16F added.

Growers to obtain licenses. Cf. No. 42 of 1941, s. 3.

7. The principal Act is amended by adding after section sixteen the following sections:—

16A. (1) (a) After the expiration of a period of three months from the coming into operation of the Marketing of Onions Act Amendment Act, 1953, no person shall, for the production of onions, plant with onions in any year land of an area of or exceeding a quarter of an acre, or two or more pieces of land the aggregate areas of which are or exceed a quarter of an acre, unless he has obtained a license under this Act.

(b) A person is deemed to use land for the production of onions if any person grows or produces onions on the land as his servant or agent or under a system of share farming or as lessee or licensee of the land or in any other manner.

(c) In the event of two or more than two persons producing onions on an area of land in the one ownership one license only is necessary for the total area of land so used for the production of onions.

(2) A person requiring a license or the renewal of a license may apply for it in the form, and shall pay the appropriate fee, prescribed by the regulations to the Board.

Application for license.

(3) On receipt of the application and of the fee, the Board shall cause the license or renewal, as the case requires, to be issued, on the form approved by the regulations, to the applicant.

(4) The duration of operation of a license and each renewal is for the year of its issue.

(5) A person who not being the holder of a current license uses land for the production of onions contrary to the provisions of this Act commits an offence.

Minimum penalty irreducible in mitigation: Two pounds; maximum penalty: One hundred pounds.

16B. Inspectors appointed for the purposes of the Plant Diseases Act, 1914, are inspectors for the purposes of this Act.

Inspectors.  
Cf. No. 42 of  
1941, s. 7.

16C. (1) Inspectors and persons authorised in writing to do so by the Minister may at all reasonable times lawfully enter upon land and premises for the purposes of ascertaining whether the provisions of this Act are being complied with.

Powers of  
inspectors.  
Cf. No. 42 of  
1941, s. 8.

(2) A person who obstructs, hinders, threatens or assaults an inspector or person so authorised, in the execution of the powers or authorities conferred upon him by this Act, commits an offence.

Penalty: Fifty pounds.

8. Subsection (2) of section nineteen of the principal Act is amended by adding after paragraph (c) the following paragraphs:—

S. 19  
amended.

- (d) requiring lands and premises used for or in connection with the production or preparation for sale of the onions to be registered, and prescribing the fees payable in respect of the registration thereof;
- (e) for enabling the Board or any person authorised by it to inspect any records or accounts relating to onions, or to land or premises on which onions are produced, stored, graded, packed, or otherwise treated;
- (f) defining the functions, authorities and duties of inspectors.