

POTATO GROWERS LICENSING.

5° and 6° GEO. VI., No. XLII.

No. 42 of 1941.

AN ACT to provide for the licensing of potato growers ;
to provide for the payment of an annual license
fee ; and for other relative purposes.

[Assented to 2nd January, 1942.]

BE it enacted by the King's Most Excellent Majesty,
by and with the advice and consent of the Legis-
lative Council and Legislative Assembly of Western

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

1. (1) This Act may be cited as the *Potato Growers Licensing Act, 1941.* Short title.

(2) This Act shall commence upon a day to be appointed by the Governor and notified by proclamation published in the *Gazette*.

2. In this Act, unless the context or subject-matter otherwise indicates or requires— Definitions.

“License” means a license issued under this Act, and includes a renewed license.

“Minister” means the Minister for Agriculture.

“Prescribed” means prescribed by the regulations.

“Regulations” means regulations made under this Act.

“Year” means the period from the first day of January to the thirty-first day of December.

3. (1) After the expiration of a period of three months from the commencement of this Act no person shall use in any year any area of land exceeding one-half acre or any areas of land exceeding in the aggregate one-half acre for the production of potatoes unless he has obtained a license under this Act. For the purpose of this section a person shall be deemed to use land for the production of potatoes if any person grows or produces potatoes thereon as his servant or agent, or under any system of share-farming, or as lessee or licensee of the land, or in any manner whatsoever. In the event of several persons producing potatoes on an area of land in the one ownership, one license only shall be necessary for the total area of land so used for the production of potatoes. Potato growers to obtain license.

(2) Application for a license, or for the renewal of a license, shall be made in or to the effect of the form prescribed, and shall be accompanied by the appropriate fee prescribed in the Schedule hereto. Application for license.

The application shall be made to the Under Secretary, Department of Agriculture, Perth.

(3) A license shall be in or to the effect of the form prescribed and shall be in force for the year of its issue. Form and period of license.

A license may be renewed and on each renewal shall take effect for a further period of one year.

Where the application for a license or renewal of a license is duly completed and lodged with the prescribed fee, such license or renewal shall be granted by the Under Secretary for Agriculture.

(4) Any person, not being the holder of a license under this Act, who, after the expiration of the period referred to in subsection (1) of this section, uses land for the production of potatoes contrary to the provisions of this Act shall be liable upon summary conviction to a penalty of not less than two pounds and not exceeding one hundred pounds.

Application
of license
fees.

4. (1) The license fees collected and any penalties imposed under this Act shall be paid into a special account at the Treasury.

(2) Moneys paid in to the special account aforesaid shall be administered by a Committee, to be known as the Potato Growers Advisory Committee (hereinafter referred to as "The Committee"), subject to the approval of the Minister. The said special account may be operated on in the manner prescribed, and, subject in every case to the approval in writing of the Minister, the moneys in the said special fund may be used and applied—

(i) to defray the costs of and incidental to the issue of licenses and general administration of this Act.

(ii) in any manner which in the opinion of the Minister is deemed to be best calculated to develop and protect the potato growing industry.

(3) Any moneys expended under this Act shall be wholly applied in and towards the promotion in Western Australia of the production, marketing, treatment, and sale of potatoes. Such moneys shall be expended for such purposes as in any particular case the Minister may approve, or generally, as may be prescribed.

(4) The expenditure of any moneys paid out under this section shall be accounted for in such manner as may be prescribed.

(5) The Committee shall be appointed by the Governor in Council, upon the recommendation of the Minister, and shall consist of three members, as follows:—

- (i) Two persons licensed under this Act;
- (ii) An officer of the Department of Agriculture.

5. At the expiration of twelve months from their appointment the two persons licensed under this Act so appointed by the Governor shall retire and their places shall be taken by two persons licensed under this Act (who may include either or both of the persons so retired), who shall be elected for such period as may be prescribed and be eligible for re-election thereafter. Members to be elected.

6. (1) The elections shall take place at the time and in a manner prescribed. Elections.

(2) Every licensed grower of potatoes who is for the time being licensed and who is enrolled as an elector for the Legislative Assembly shall, at every election, be entitled to one vote for each candidate required to be elected.

7. Every inspector appointed for the purposes of the Plant Diseases Act, 1914-1939, shall be an inspector for the purposes of this Act. Inspectors.

8. (1) Any inspector or any person authorised in writing in that behalf by the Minister may at all reasonable times enter any land for the purpose of ascertaining whether the provisions of this Act are being complied with. Powers of Inspectors.

(2) Any person who obstructs, hinders, threatens, or assaults any inspector or authorised person in the execution of the powers or authorities conferred upon him by this Act shall be liable on summary conviction to a penalty not exceeding fifty pounds.

9. Any penalty imposed by this Act or by the regulations may be recovered in a summary manner in any court of petty sessions under and in accordance with the provisions of the Justices Act, 1902-1936. Recovery of penalties.

10 (1) The Governor may make regulations, not inconsistent with this Act, prescribing all matters which Regulations.

by this Act are required or permitted to be prescribed or which are necessary or convenient to be prescribed for carrying out or giving effect to this Act.

(2) The regulations may impose a penalty not exceeding fifty pounds for any breach thereof.

SCHEDULE.

Area.	License Fee.		
	£	s.	d.
Exceeding one-half acre but not exceeding five acres	0	10	0
Exceeding five acres but not exceeding ten acres ..	1	0	0
Exceeding ten acres but not exceeding twenty acres	2	0	0
Exceeding twenty acres but not exceeding thirty acres	3	0	0

Where any area exceeds thirty acres an additional fee of one pound shall be paid for each and every ten acres or part thereof in excess of the thirty acres aforesaid.
