



Western Australia

Agricultural Products Act 1929

# **Agricultural Products (General) Regulations 1983**

**Reprint 1: The regulations as at 3 September 2004**

## Guide for using this reprint

### *What the reprint includes*



### *Endnotes, Compilation table, and Table of provisions that have not come into operation*

1. Details about the original regulations and legislation that has amended its text are shown in the Compilation table in endnote 1, at the back of the reprint. The table also shows any previous reprint.
2. Transitional, savings, or other provisions identified in the Compilation table may be important. The table may refer to another endnote setting out the text of these provisions in full.
3. A table of provisions that have not come into operation, to be found in endnote 1a if it is needed, lists any provisions of the regulations being reprinted that have not come into operation and any amendments that have not come into operation. The full text is set out in another endnote that is referred to in the table.

### *Notes amongst text (italicised and within square brackets)*

1. If the reprint includes a regulation that was inserted, or has been amended, since the regulations being reprinted were made, editorial notes at the foot of the regulation give some history of how the regulation came to be as it is. If the regulation replaced an earlier regulation, no history of the earlier regulation is given (the full history of the regulations is in the Compilation table).

Notes of this kind may also be at the foot of Schedules or headings.

2. The other kind of editorial note shows something has been —
  - removed (because it was repealed or deleted from the law); or
  - omitted under the *Reprints Act 1984* s. 7(4) (because, although still technically part of the text, it no longer has any effect).

The text of anything removed or omitted can be found in an earlier reprint (if there is one) or one of the written laws identified in the Compilation table.

### *Reprint numbering and date*

1. The reprint number (in the footer of each page of the document) shows how many times the regulations have been reprinted. For example, numbering a reprint as “Reprint 3” would mean that the reprint was the 3<sup>rd</sup> reprint since the regulations were published. Reprint numbering was implemented as from 1 January 2003.
2. The information in the reprint is current on the date shown as the date as at which the regulations are reprinted. That date is not the date when the reprint was published by the State Law Publisher and it is probably not the date when the most recent amendment had effect.

Reprinted under the  
*Reprints Act 1984* as  
at 3 September 2004

Western Australia

## **Agricultural Products (General) Regulations 1983**

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Reprinted under the  
*Reprints Act 1984* as  
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Western Australia

Agricultural Products Act 1929

## **Agricultural Products (General) Regulations 1983**

### **1. Citation**

These regulations may be cited as the *Agricultural Products (General) Regulations 1983*<sup>1</sup>.

### **2. Commencement**

These regulations shall come into operation on 1 October 1983.

[3. *Omitted under the Reprints Act 1984 s. 7(4)(f).*]

### **4. Interpretation**

In these regulations, unless the context otherwise requires —

“**Form**” means a form in the Schedule to these regulations;

“**regulation**” means one of these regulations;

“**the Act**” means the *Agricultural Products Act 1929* and includes a code formulated by the Minister under the Act.

**5. Detention notice**

A detention notice issued under section 4(4) of the Act shall be in the form of Form 1.

**6. Order to make agricultural products conform to Act**

Where, under section 4(4c) of the Act, an inspector orders the owner or the person for the time being in charge of the agricultural products to take such measures as the inspector determines necessary to make the agricultural products conform to the requirements of the Act he shall issue to the owner or the person for the time being in charge of the agricultural products an order in the form of Form 2.

**7. Order for destruction**

- (1) Where an inspector is satisfied that any agricultural products or any package of agricultural products cannot be made to conform to the requirements of the Act and is of the opinion that the agricultural products should be destroyed, he shall make a report in accordance with Part A of Form 3 and, subject to approval by the Minister or a person authorised by the Minister in that behalf, shall issue an order for destruction in accordance with Part B of Form 3.
- (2) An order for destruction shall require the agricultural products or package of agricultural products to be destroyed by burning, boiling, burying, dumping in a municipal tip or any other method of disposal that effectually destroys the products.

**8. Disposal order**

Where the owner of any agricultural products or any package of agricultural products that do not conform to the requirements of the Act informs the inspector, prior to the execution of an order issued under regulations 6 or 7, that he desires to dispose of the agricultural products other than by sale or destruction, the inspector may, if satisfied that the method of disposal specified

by the owner does not contravene the requirements of the Act, issue to the owner an order in the form of Form 4.

**9. Evidence of destruction or disposal**

Where an order for destruction or disposal is made under section 4(4d), the inspector making the order may require the owner or the person for the time being in charge of the agricultural products described in the order to provide documentary evidence that the agricultural products were destroyed or disposed of as required by the order.

**Schedule**

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**Schedule**

[Heading inserted in Gazette 20 Jan 1984 p. 180.]

**Form 1**

[Section 4(4),  
regulation 5]

*AGRICULTURAL PRODUCTS ACT 1929*

*AGRICULTURAL PRODUCTS (GENERAL) REGULATIONS 1983*

**DETENTION NOTICE**

No. ....

To .....  
(Name of owner or person in charge)

of .....  
(Address of owner or person in charge)

I, ....., an inspector under the above Act, am of the opinion that the agricultural products described hereunder do not conform to the requirements of the *Agricultural Products Act 1929* in that

.....  
.....  
.....  
(reasons for detention)

Items	Quantity	Marks	Name and address of packer or owner	Agent

The agricultural products are detained at .....  
.....  
for such time as may be necessary for the products to be inspected and examined.

I have attached to the agricultural products a copy of this detention notice.



While this detention notice is in force the agricultural products to which the notice relates shall not be sold and the copy of the notice attached to the products shall not be removed.

Date .....

Time .....

Inspector .....

**Schedule**

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**Form 2**

[section 4(4c),  
regulation 6]

*AGRICULTURAL PRODUCTS ACT 1929*  
*AGRICULTURAL PRODUCTS (GENERAL) REGULATIONS 1983*

**GRADING, MARKING AND PACKING ORDER**

No. ....

**PART A**

To .....  
(Name of owner or person in charge)

of .....  
(Address of owner or person in charge)

I, ....., an inspector under the above Act, having inspected and examined the agricultural products detained under Detention Notice No. .... of .....,  
(date)

am of the opinion that the agricultural products described hereunder can be made to conform to the requirements of the *Agricultural Products Act 1929*.

Items	Quantity	Marks	Name and address of packer or owner	Agent

I hereby order you to take the agricultural products described above to .....  
for the purpose of .....

NOTE: It is an offence to sell agricultural products which do not comply with the requirements of the Act.

Date .....

Time .....

Inspector .....

**Form 2**

No. ....

**PART B**

Having further examined and inspected the agricultural products described in Part A I am of the opinion that items described hereunder have been made to comply with the requirements of the *Agricultural Products Act 1929*.

Items

.....  
.....  
.....

The remaining items (if any) are the subject of Disposal/Destruction Order

No. ....

Date .....

Time .....

Inspector .....

**Schedule**

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**Form 3**

[Section 4(4d),  
regulation 7]

*AGRICULTURAL PRODUCTS ACT 1929*

*AGRICULTURAL PRODUCTS (GENERAL) REGULATIONS 1983*

**DESTRUCTION REPORT AND ORDER**

No. ....

**PART A**

The Hon. Minister for Agriculture,

I, ....., an Inspector under the above Act, am of the opinion that the items described hereunder do not and cannot be made to conform to the requirements of the *Agricultural Products Act 1929*:

Items	Quantity	Marks	Name and address of packer or owner	Agent

I consider that the above items do not conform to the requirements in that .....

I recommend the destruction of the said items be approved.

Date .....

Inspector .....

(checked by Senior Inspector .....) )

Approved .....

(*Minister for Agriculture or person authorised by the Minister*)

**Form 3**

No. ....

**PART B**

To .....

of .....

The Hon. Minister for Agriculture having approved the destruction of the agricultural products the subject of Destruction Report No. ...., I hereby order the destruction of the said items by means of ..... The accompanying Destruction Receipt is to be duly completed by the person supervising the destruction and to be returned to me not later than ..../...../.....

Date .....

Inspector .....

*[Form 3 amended in Gazette 20 Jan 1984 p. 180.]*

**Schedule**

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**Form 4**

[Section 4(4d),  
regulation 8]

*AGRICULTURAL PRODUCTS ACT 1929*

*AGRICULTURAL PRODUCTS (GENERAL) REGULATIONS 1983*

**DISPOSAL ORDER**

To .....

of .....

I, ....., an inspector under the above Act, am satisfied that the agricultural products described hereunder cannot be made to conform to the requirements of the Act in that

.....  
.....  
.....

Items	Quantity	Marks	Name and address of packer or owner	Agent

As you have informed me that you desire to dispose of the said items other than by sale or destruction, namely by .....

.....  
and I am satisfied that such disposal would not contravene the requirements of the Act, I hereby order such disposal of the said items.

The attached Disposal Receipt is to be duly completed by the person supervising the disposal and to be returned to me not later than ...../...../.....

Date .....

Inspector .....

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## **Notes**

- <sup>1</sup> This reprint is a compilation as at 3 September 2004 of the *Agricultural Products (General) Regulations 1983* and includes the amendments made by the other written laws referred to in the following table. The table also contains information about any reprint.

### **Compilation table**

<b>Citation</b>	<b>Gazettal</b>	<b>Commencement</b>
<i>Agricultural Products (General) Regulations 1983</i>	23 Sep 1983 p. 3840-3	1 Oct 1983 (see r. 2)
<i>Agricultural Products (General) Amendment Regulations 1984</i>	20 Jan 1984 p. 180	20 Jan 1984
<b>Reprint 1: The Agricultural Products (General) Regulations 1983 as at 3 Sep 2004</b> (includes amendments listed above)		