

AGRICULTURE

AG301

MARKETING OF POTATOES ACT 1946**MARKETING OF POTATOES AMENDMENT REGULATIONS 1995**

Made by the Lieutenant-Governor and deputy of the Governor in Executive Council.

Citation

1. These regulations may be cited as the *Marketing of Potatoes Amendment Regulations 1995*.

Commencement

2. These regulations shall come into operation on the day after the day fixed for the coming into operation of section 4 of the *Marketing of Potatoes (Amendment) Act 1995*.

Principal regulations

3. In these regulations the *Marketing of Potatoes Regulations 1987** are referred to as the principal regulations.

[* Published in Gazette of 18 September 1987 at pp. 3659-89.
For amendments to 17 August 1995 see 1994 Index to Legislation
of Western Australia, Table 4, p. 180.]

General amendment changing name of the body corporate

4. (1) The principal regulations are amended by deleting "Western Australian Potato Marketing Authority", wherever occurring, and substituting the following -

" Potato Marketing Corporation of Western Australia "

(2) The principal regulations are amended by deleting "Authority", wherever occurring, and substituting the following —

" Corporation ",

subject to the provisions of these regulations.

Regulation 2 repealed

5. Regulation 2 of the principal regulations is repealed.

Regulation 3 amended

6. (1) Regulation 3 of the principal regulations is amended by deleting the definition of "licence" and substituting the definition following —

"

"**licence**" means an area licence —

- (a) issued by the Corporation to the holder as a commercial producer; or
- (b) acquired by the holder as a commercial producer from another commercial producer by means of a transfer approved by the Corporation under the Act;

".

(2) Regulation 3 of the principal regulations is amended by inserting, in the appropriate alphabetical positions, the definitions following —

"

"**chief executive officer**" means the person appointed under section 18 (4) of the Act as chief executive officer of the Corporation;

"**domestic market entitlement**" means, in relation to a relevant domestic marketing pool established under section 26 (2) of the Act, the respective entitlement allocated to each business registered;

"**inspector**" means a person appointed under section 18 (1) of the Act to be an inspector for the purposes of the Act and, in so far as section 18 (5) permits, includes a reference to —

- (a) a person accompanying an inspector; and
- (b) the chief executive officer;

"**registration**" means the registration of a business under section 22B of the Act;

".

Regulation 4 amended

7. Regulation 4 of the principal regulations is amended by deleting "member appointed to the Authority under section 7 (3) (c) of the Act" and substituting the following —

"

person to be eligible for appointment to the Corporation to represent commercial producers as an elective member of the Corporation in accordance with section 8 of the Act

".

Regulation 23 amended

8. Regulation 23 of the principal regulations is amended by deleting "Subject to" and substituting the following —

“ For the purposes of ”.

Regulation 24 amended

9. Regulation 24 of the principal regulations is amended by deleting "Penalty: \$200".

Part III repealed and substituted

10. The heading to Part III of the principal regulations and regulations 25, 26, 27 and 28 are repealed and the following substituted —

“

PART III — REMUNERATION OF MEMBERS**Members' remuneration**

25. Members of the Corporation shall be entitled to, and be paid, remuneration and expenses in accordance with such recommendations of the Corporation as may be approved by the Commissioner for Public Sector Standards.

”.

Regulation 29 amended

11. Regulation 29 of the principal regulations is amended —

- (a) by deleting "appointed by the Authority"; and
- (b) in paragraph (d) (ii), by deleting "or impound" and substituting the following —

“ , or impound and cause to be taken before a justice, ”.

Regulation 30 amended

12. Regulation 30 of the principal regulations is amended —

- (a) by deleting "Where directed by the Authority an" and substituting the following —

“ Any ”;

- (b) by deleting "for the purpose of supervising" and substituting the following —

“ and may there examine and supervise ”; and

- (c) by inserting, before "potatoes" in the second place where it occurs, the following —

“ ware ”.

Regulation 31 amended

13. Regulation 31 of the principal regulations is amended —

(a) by inserting, before “produced” the following —

“ sold or offered for sale, ”;

(b) by deleting “so authorized” and substituting the following —

“
an inspector, or in writing by any other officer or
employee of the Corporation,
”;

(c) by deleting “potatoes displayed for sale or held on the land or premises” and substituting the following —

“ those potatoes ”; and

(d) by inserting, after “supplied”, the following —

“
or produce any sales docket, delivery note,
consignment advice or other document disclosing that
information
”.

Regulation 32 repealed and substituted

14. Regulation 32 of the principal regulations is repealed and the following substituted —

“

Identification of inspectors

32. A person appointed to be an inspector shall wear, or bear and display on demand, a certificate of appointment in the form of Form 1 in Schedule 2.

”.

Regulation 33 repealed

15. Regulation 33 of the principal regulations is repealed and the following substituted —

“

Infringement notices

33. (1) An infringement notice under section 40 of the Act shall be in the form of Form 2 in Schedule 2.

(2) The offences prescribed for the purpose of section 40 are set out in the first and second column of Schedule 3 and the amount appearing in the final column of that Schedule, directly opposite an offence, is the prescribed modified penalty in respect of that offence if dealt with under that section.

(3) A prescribed form of notice for withdrawing an infringement notice under section 40 (6) shall be in the form of Form 3 in Schedule 2.

”.

Part V repealed and substituted

16. The heading to Part V of the principal regulations and regulations 34, 35, 36, 37, 38 and 39 are repealed and the following substituted —

“

**PART V — REGISTRATION, AREA LICENSING,
ENTITLEMENTS AND PERMITS**

Registration of the business of a commercial producer

34. (1) The chief executive officer shall cause a register to be kept by the Corporation of all businesses registered under the Act as being commercial producers.

(2) An application for the registration of a business under the Act shall be made in the form of Form 4 in Schedule 2.

(3) The certificate of registration of a business shall be in the form of Form 5 in Schedule 2.

(4) An application for approval to the transfer of the registration of a business shall be in the form of Form 6 in Schedule 2.

(5) Approval by the Corporation to the transfer of a registration shall be signified by the grant of a revised certificate of registration.

Area licences

35. (1) The chief executive officer shall cause a record to be kept by the Corporation of all area licences issued under the Act.

(2) An application for an area licence under the Act shall be made in the form of Form 7 in Schedule 2.

(3) An area licence shall be in the form of Form 8 in Schedule 2.

(4) An application for approval to the transfer of an area licence shall be in the form of Form 9 in Schedule 2.

(5) Approval by the Corporation to the transfer of an area licence shall be signified by the issue of a revised area licence.

Substitution of the place to which a registration or area licence relates

36. (1) Where the operation of a particular registration or an area licence relates to a particular place a person who seeks to have its operation relate to some other place may apply in writing to the Corporation.

(2) The authorization by the Corporation of the operation of a registration or area licence having effect in relation to a place other than that to which it purports to relate shall be signified by the grant of a revised certificate of registration or the issue of a revised licence, which may include revised conditions.

Domestic market entitlements

37. (1) The chief executive officer shall cause a record to be kept by the Corporation of all domestic market entitlements allocated.

(2) The certificate as to the domestic market entitlement allocated to a registered business shall be in the form of Form 10 in Schedule 2.

(3) An application for approval to the transfer of a domestic market entitlement allocated to a business shall be in the form of Form 11 in Schedule 2.

(4) Approval by the Corporation to the transfer of a domestic market entitlement shall be signified by the grant of a revised certificate.

Permits

38. (1) The chief executive officer shall cause a record to be kept by the Corporation of all permits granted under section 25 of the Act.

(2) An application for the grant of a permit to a grower shall be made, in respect of the appropriate purpose, in the form of Form 12 in Schedule 2.

(3) A permit shall be granted, in respect of the appropriate purpose, in the form of Form 13 in Schedule 2.

”.

Regulation 40 amended

17. Regulation 40 of the principal regulations is amended by deleting “In this Part” and substituting the following —

“

For the purposes of this Part and any grade standards set by the Corporation,

”.

Regulation 41 repealed and substituted

18. Regulation 41 of the principal regulations is repealed and the following substituted —

“

Application

41. This Part does not apply —

- (a) to potatoes purchased by or delivered to a potato product manufacturer or potato exporter;
- (b) where potatoes are sold, or offered for sale, for use as seed for the propagation of ware potatoes; or
- (c) to potatoes other than ware potatoes.

”.

Regulations 42 to 50, inclusive, repealed and a new regulation substituted

19. Regulations 42 to 50, inclusive, of the principal regulations are repealed and the following substituted —

“

Division 2 — Standards to be set by the Corporation

42. The Corporation shall, by notice published in the *Gazette* and in its newsletter, set standards in respect of —

- (a) the condition in which ware potatoes to be delivered to the Corporation or its agents must be in order for the delivery not to be refused;
- (b) the requirements ware potatoes must meet to be graded in any particular class as to —
 - (i) quality; and
 - (ii) size,and the tolerances permitted; and
- (c) packaging.

”.

Heading substituted

20. The heading to Division 6 of Part VI of the principal regulations is repealed and the following substituted —

“

Division 3 — Presentation of ware potatoes for sale

”.

Regulation 51 amended

21. Regulation 51 (1) of the principal regulations is amended by deleting “Each package” and substituting the following —

“

Every package of ware potatoes offered for sale, whether wholesale or retail,

”.

Regulation 52 amended

22. Regulation 52 of the principal regulations is amended —

- (a) by deleting “Packages into which potatoes are to be packed” and substituting the following —

“

Any form of packaging used to present ware potatoes offered for sale, whether wholesale or retail,

”;

- (b) after paragraph (c), by adding the following —

“ and ”;

- (c) in paragraph (d), by deleting “from damage; and” and substituting a full stop; and
- (d) by deleting paragraph (c).

Regulation 53 amended

23. Regulation 53 of the principal regulations is amended —

- (a) in subregulation (1) —
 - (i) by deleting “The package in which potatoes are sold shall be labelled “POTATOES” and shall specify — ” and substituting the following —

“
Any person who offers for sale, whether wholesale or retail, ware potatoes which are packed, or are repackaged, shall ensure that those potatoes are marked, either on the packaging or by way of a label, with the description “POTATOES” and with —
”;

and

- (ii) in paragraph (e), by deleting “by means of a tag or stamp”;
- (b) in subregulation (2), by deleting “Trade description details shall be” and substituting the following —

“
The information required under subregulation (1) shall be marked
”.

Regulation 54 repealed

24. Regulation 54 of the principal regulations is repealed.

Regulation 55 repealed and substituted

25. Regulation 55 of the principal regulations, and the heading preceding it, are repealed and the following substituted —

“

Division 4 — Offences

Grading, sizing and packaging of ware potatoes

55. Unless those potatoes are to be purchased by or delivered to the Corporation or an agent on behalf of the Corporation, a person who packs, or who causes to be packed, any ware potatoes —

- (a) to which this Part applies; and
- (b) which are for sale, whether wholesale or retail; and
- (c) not graded, sized, packaged, and marked in accordance with the requirements of this Part,

commits an offence.

Penalty: \$5 000.

”.

New Parts inserted

26. The principal regulations are amended by inserting, after regulation 55, the new headings and regulations following —

“

PART VII — SEED POTATOES**Seed potato sales**

56. A commercial producer who sells potatoes as seed potatoes shall furnish, within 7 days of the end of each calendar month, to the Corporation a return in the form of Form 14 in Schedule 2.

Seed potato production

57. Potatoes purporting to be propagated for use as seed, whether or not intended for the growing of ware potatoes, are potatoes —

- (a) the production of which is to be monitored and may be regulated under the Act; and
- (b) to which the provisions of Part VIII of these regulations apply.

PART VIII — PLANTING, HARVESTING AND DELIVERY**Planting declarations**

58. A commercial producer who plants potatoes shall, within 7 days of the last planting date to which the relevant area licence relates, furnish to the Corporation a declaration in the form of Form 15 in Schedule 2.

Notice of intention to harvest

59. A commercial producer who intends to harvest potatoes shall, not later than 7 days before commencing to harvest, furnish to the Corporation a notice of intention in the form of Form 16 in Schedule 2.

Notice of harvest and delivery

60. Where potatoes are harvested by a commercial producer that grower shall, within 7 days of the completion of the harvest, furnish to the Corporation a notice of harvest and delivery in the form of Form 17 in Schedule 2.

Notice of deliveries received

61. A potato product manufacturer or potato exporter receiving potatoes shall, within 7 days of receipt of those potatoes, furnish to the Corporation a notice of receipt in the form of Form 18 in Schedule 2.

Consignment advices, and prescribed information

62. (1) The grower shall cause any potatoes sold or delivered by that grower to be accompanied by a consignment advice in the form of Form 19 in Schedule 2.

(2) A person, other than the Corporation or an agent authorized to act on behalf of the Corporation, who deals in potatoes as owner or agent, or is concerned in the transport or handling of potatoes, or otherwise has the custody of potatoes, in a quantity exceeding 50 kilograms in weight, shall furnish to an inspector on demand —

- (a) a relevant consignment advice; or
 - (b) a sales docket or delivery note which —
 - (i) identifies those potatoes by reference to the number of bins, quantity by weight or specific packaging;
 - (ii) specifies the variety of potato;
 - (iii) specifies from where the potatoes were obtained, by reference to the area licence and the registered business name under these regulations of the commercial producer concerned;
 - (iv) identifies the relevant consignment advice which related to those potatoes as sold or delivered by the grower;
 - (v) if the potatoes are to be sold or delivered to a wholesale merchant, potato product manufacturer or potato exporter, specifies the relevant business;
 - (vi) if the potatoes are to be sold or delivered for any use other than sale to a wholesaler, manufacture or export, specifies the use and identifies the user;
 - (vii) identifies any agent concerned;
- and
- (viii) identifies the carrier and the vehicle.

(3) A person consigning any potatoes which are not accompanied by a relevant consignment advice shall cause those potatoes to be accompanied by a sales docket or delivery note containing the information required to be furnished under subregulation (2).

(4) A person who contravenes or fails to comply with subregulation (1), (2) or (3) commits an offence.

Penalty: \$5 000.

Certificate of refusal

63. A certificate of refusal for the purposes of section 23 (2) of the Act shall be in the form of Form 20 in Schedule 2.

Notice of claim

64. A notice of claim for the purposes of section 34 (3) of the Act shall be in the form of Form 21 in Schedule 2.

Notice of security

65. A notice of particulars as to a security for the purposes of section 35 (1) of the Act shall be —

- (a) when given by the grower, in the form of Form 22; or
- (b) when given by the person entitled to the benefit of the security, in the form of Form 23,

in Schedule 2.

PART IX — AGENTS**Primary Potato Agents**

66. (1) Subject to any direction given on behalf of the Corporation, the functions of a person appointed by the Corporation to act as a Primary Potato Agent shall be —

- (a) to receive applications for any —
 - (i) registration of a potato growing business;
 - (ii) potato growing area licence;
 - (iii) transfer of registration, area licence or domestic market entitlement; or
 - (iv) permit under section 25 of the Act,and, having ensured the accuracy of the information in the application, to forward it to the Corporation promptly;
- (b) to collect any —
 - (i) planting declaration;
 - (ii) notice of intention to harvest;
 - (iii) notice of harvest and delivery; or
 - (iv) details of seed sales to growers,and to ensure the accuracy of the information and to forward the documents to the Corporation promptly;
- (c) to assist growers in the transfer of any registration, area licence or domestic market entitlement;
- (d) to issue to growers the prescribed forms to be used as consignment advices for deliveries of potatoes;
- (e) to liaise between the Corporation and growers, as required by the Corporation;
- (f) to assist growers with seed potato purchases and sales;
- (g) to collect levies and charges and forward them to the Corporation;
- (h) for ware potatoes, to —
 - (i) submit weekly offers of potatoes to the Corporation;

- (ii) notify growers of delivery quotas;
- (iii) arrange consignment of the potatoes;
- (iv) supervise deliveries;
- (v) forward consignment details to the Corporation;
- (vi) forward weekly delivery advices to the Corporation; and
- (vii) report to and advise the Corporation of details of ware potato crops.

(2) The Agent shall promptly transmit to growers such notices as the Corporation may direct and, as far as possible, ensure that directions of the Corporation are given effect to.

(3) The Agent shall —

- (a) keep such books and records as and in the form that the Corporation may require;
- (b) promptly transmit such copies or extracts as the Corporation may request; and
- (c) at all times, permit the Corporation or its nominees to inspect and take copies of all such books and records.

(4) It is a condition of every appointment as a Primary Potato Agent that the appointee shall not, unless specifically so authorized in terms of a separate appointment, —

- (a) sell ware potatoes —
 - (i) to wholesale merchants;
 - (ii) as a wholesale merchant, unless appointed by the Corporation as a wholesale merchant; or
 - (iii) to retailers or consumers; or
- (b) import potatoes from any other State of the Commonwealth.

Wholesale Potato Merchant (Packing and Grading)

67. (1) Subject to any direction given on behalf of the Corporation, the functions of a person appointed by the Corporation to act as its agent in the capacity of a Wholesale Potato Merchant (Packing and Grading) shall be —

- (a) to receive delivery of ware potatoes from registered and licensed growers;
- (b) to undertake washing, brushing, grading and packing of ware potatoes in accordance with such directions as may be issued by the Corporation from time to time;
- (c) to maintain records on a daily basis of all potatoes received, washed, brushed, graded and packed, clearly indicating —
 - (i) the name of the grower of each consignment;

- (ii) the variety and weight of potatoes received from each grower;
 - (iii) the number of the consignment advice accompanying those potatoes; and
 - (iv) the weight of each grade or grades into which each consignment from every grower is packed;
- and
- (d) to submit to the Corporation, on a daily basis, packout statements for each consignment of potatoes washed, brushed and graded.
- (2) The Agent shall permit the Corporation and its inspectors to supervise the grading of any and all potatoes washed, brushed and packed.
- (3) The Agent shall —
- (a) keep such books and records as and in the form that the Corporation may require;
 - (b) promptly transmit such copies or extracts as the Corporation may request; and
 - (c) at all times, permit the Corporation or its nominees to inspect all such books and records.
- (4) It is a condition of every appointment as a Wholesale Potato Merchant (Packing and Grading) that the appointee shall not, unless specifically so authorized in terms of a separate appointment —
- (a) sell or otherwise dispose of ware potatoes —
 - (i) other than to Wholesale Potato Merchants (Distributors);
 - (ii) to a Wholesale Potato Merchant (Distributor), unless appointed by the Corporation as a wholesale merchant; or
 - (iii) to retailers or consumers;
- or
- (b) import potatoes from any other State of the Commonwealth.
- (5) The Agent shall at all times comply with such guidelines as may be established by the Corporation from time to time as to the standards of machinery, buildings and fixtures, storage and access.

Wholesale Potato Merchant (Distributor)

68. (1) Subject to any direction given by or on behalf of the Corporation, the functions of a person appointed by the Corporation to act as its agent in the capacity of a Wholesale Potato Merchant (Distributor) shall be —

- (a) to take delivery of ware potatoes from —
 - (i) the Corporation;

- (ii) another appointed Wholesale Potato Merchant (Distributor); or
 - (iii) any appointed Wholesale Potato Merchant (Grading and Packing);
 - (b) to sell or otherwise dispose of potatoes to —
 - (i) retailers of potatoes, for retail sale;
 - (ii) persons who require potatoes for use in providing meals for customers, employees or guests;
 - (iii) the inmates of an institution; or
 - (iv) potato product manufacturers, or potato exporters;and
 - (c) to maintain records on a daily basis of all potatoes accepted, clearly indicating —
 - (i) the name of the supplier of each consignment;
 - (ii) the variety and weight of each consignment;
 - (iii) the number of the consignment advice originally accompanying those potatoes; and
 - (iv) the weight of each grade or grades into which each consignment had been packed.
- (2) The Agent shall —
- (a) keep such books and records as and in the form that the Corporation may require;
 - (b) promptly transmit such copies or extracts as the Corporation may request; and
 - (c) at all times, permit the Corporation or its nominees to inspect all such books and records.
- (3) It is a condition of every appointment as a Wholesale Potato Merchant (Distributor) that the appointee shall not, unless specifically so authorized in terms of a separate appointment, —
- (a) sell or otherwise dispose of ware potatoes to the public at large;
 - (b) import potatoes from any other State of the Commonwealth; or
 - (c) accept delivery of potatoes from growers.

Persons may deal with the Corporation through Agents

69. It shall be sufficient compliance with a requirement of the Act or these regulations if a person who is required to apply to or deal with the Corporation applies to or deals with an agent authorized to act on behalf of the Corporation.

PART X — GENERAL**Reserve fund**

70. For the purposes of section 30 (3) of the Act —

- (a) the portion that may be deducted shall not exceed 2%, as the Corporation may from time to time determine; and
- (b) the reserve fund shall be maintained for the purpose of —
 - (i) market research and development; and
 - (ii) research into matters related to the production, transport, handling, treatment, washing and packing of potatoes.

False statements

71. A person who knowingly makes a false statement in or in relation to any application or other document required under these regulations commits an offence.

Penalty: \$5 000

General penalty

72. A person who contravenes or fails to comply with any provision of these regulations commits an offence and is liable, where no other penalty is expressly provided, to a penalty of \$2 000.

”.

Part VI and Part VII repealed

27. (1) The heading “**Part VI**”, where it appears following regulation 55, and regulation 56 of the principal regulations are repealed.

(2) The heading “**Part VII**” and regulations 57 and 58 of the principal regulations are repealed.

Schedule 2 repealed and a new Schedule substituted

28. Schedule 2 to the principal regulations is repealed and the following Schedule substituted —

“

SCHEDULE 2**PRESCRIBED FORMS****Form 1**

[Reg. 32]

Marketing of Potatoes Act 1946

CERTIFICATE OF APPOINTMENT AS INSPECTOR

This is to certify that
(Full name of person appointed)

has been appointed by the Potato Marketing Corporation of Western Australia as an inspector under the *Marketing of Potatoes Act 1946*.

.....
Chief Executive Officer to the Corporation.

Dated

Form 2

[Reg. 33 (1)]

Marketing of Potatoes Act 1946

PART C DEFENDANTS COPY This space for cash register imprint
To be retained by Cashier
OFFICE COPY ONLY

Please do not detach from Part B

PART B DEFENDANTS COPY This space for cash register imprint

INFRINGEMENT NOTICE No.
Marketing of Potatoes Act, s. 40

Date of issue

SURNAME
(Given names)

ADDRESS
(Number and Street)

. (Town and Suburb) (Postcode)

It is alleged that at hrs. on day . / . / . you committed the

offence of
(Nature of Offence) (Prescribed penalty)

at
(Road/Street)

.
(Locality)

Inspector

No.

TAKE NOTICE THAT:

If you do not wish to have a complaint of the alleged offence heard and determined by a court, pay to the office specified on the reverse of this notice, within 28 days, the prescribed penalty.

If within 28 days from the Date of Issue you do not pay the penalty above, FURTHER ACTION WILL BE TAKEN in respect of the offence, and you will incur further costs.

COURT:

If you wish the matter to be dealt with by a court, do not pay the Infringement Notice. You should advise the chief executive officer of the Potato Marketing Corporation of your intention, in writing, before the due date otherwise further costs will be incurred.

CREDIT CARD PAYMENTS — COMPLETE ALL DETAILS
PLEASE DEBIT MY CREDIT CARD ACCOUNT: —

BANKCARD MASTERCARD VISA CARD
AMOUNT CARD NUMBER
CARDHOLDER NAME
SIGNATURE EXPIRY DATE

Reverse of Form

WHERE TO PAY

(The office to which payment may be made is to be specified here.)

Form 3

[Reg. 33 (3)]

Marketing of Potatoes Act 1946

WITHDRAWAL OF INFRINGEMENT NOTICE

SURNAME
(Block letters) (Given names)

ADDRESS
(Number and Street)

.
(Town and Suburb) (Postcode)

Infringement Notice No. Date / / for the alleged offence

of Penalty \$

is hereby withdrawn.

(a) No further action will be taken.

(b) It is proposed to institute court proceedings for the alleged offence.

(Strike out that not applicable)

Signed by
(name)

for the Potato Marketing Corporation
of Western Australia.

Dated

Form 4

[Reg. 34 (2)]

Marketing of Potatoes Act 1946

APPLICATION FOR THE REGISTRATION OF A BUSINESS AS A COMMERCIAL PRODUCER OF POTATOES

I/We,
(Name of each person making application)

hereby apply for registration of
(Name in which business is to be registered)

as a commercial producer of potatoes.

Registration numbers currently/previously held

Location of business

Postal Address

Telephone

Facsimile

Capacity in which the applicant is concerned with the business

Nature of activities: *(Delete if not to be an activity of the business)*

to grow potatoes for sale

— to consumers in the State

— as a potato product

— to a manufacturer of a potato product

— for export

— when exported

— for propagation

to grow potatoes for propagation for own use

to grow potatoes for (purpose to be specified)

Signed

Dated

Form 5

[Reg. 34 (4)]

Marketing of Potatoes Act 1946

CERTIFICATE OF REGISTRATION OF A BUSINESS AS A COMMERCIAL PRODUCER OF POTATOES

Registration number

Name of holder

Registered business name as a
commercial producer

Location of business

Postal Address

Telephone

Facsimile

Nature of activities: *(delete if not to be an activity of the business)*

to grow potatoes for sale

— to consumers in the State

— as any potato product

— to a manufacturer of a potato product

— for export

— when exported

— for propagation

to grow potatoes for propagation for own use

to grow potatoes for *(purpose to be specified)*

Duties imposed on holders

Other terms, conditions and restrictions

Registration valid for *(period to be specified)*.

Signed by

(name)

for the Potato Marketing Corporation
of Western Australia.

Dated

Form 6

[Reg. 34 (5)]

Marketing of Potatoes Act 1946

APPLICATION FOR TRANSFER OF THE REGISTRATION OF A BUSINESS

I/We,
(Name of each person making application)

hereby apply for transfer of the registration of
*(Registered business name
as a commercial producer)*

Registration number

to
*(Name of person to whom the registration is sought to be
transferred)*

Name in which business is to be registered
as a commercial producer

Location of business

Postal Address

Telephone

Facsimile

Nature of activities: *(delete if not to be an activity of the business)*

to grow potatoes for sale

— to consumers in the State

— as a potato product

— to a manufacturer of a potato product

— for export

— when exported

— for propagation

to grow potatoes for propagation for own use

to grow potatoes for *(purpose to be specified)*

Signed

Dated

Name of current holder

Consent of current holder ..

Form 7

[Reg. 35 (2)]

Marketing of Potatoes Act 1946

APPLICATION FOR POTATO GROWING AREA LICENCE

Name of grower applying for an area licence

Registered business name as a commercial producer

Registration number

Location of the business

Postal address

Telephone

Facsimile

Land to which the application relates *(to be specified)*

Location

Lot No.

Size of activity: Total area to be planted (*hectares*)
 Total quantity to be produced (*tonnes*)
 Area in hectares to be planted by variety (*variety to
be specified*)
 Quantity to be produced by variety (*variety to be
specified*)

Nature of activities: (*delete if not to be an activity of the business*)

to grow potatoes for sale

- to consumers in the State
- as a potato product
- to a manufacturer of a potato product
- for export
- when exported
- for propagation

to grow potatoes for propagation for own use

to grow potatoes for
(*purpose to be specified*)

Area Licence numbers currently held

Delivery schedule

Signed

Dated

Form 8

[Reg. 35 (4)]

Marketing of Potatoes Act 1946

POTATO GROWING AREA LICENCE

Licence Number

Name of holder

Registered business name as a commercial producer

Registration number

Location of the business

Postal address

Telephone

Facsimile

Land to which the application relates (*to be specified*)

Location

Lot No.

Size of activity: Total area to be planted (*hectares*)

Total quantity to be produced (*tonnes*)

Area in hectares to be planted by variety (*variety to be specified*)

Quantity to be produced by variety (*variety to be specified*)

Nature of activities: (*delete if not to be an activity of the business*)

to grow potatoes for sale

— to consumers in the State

— as a potato product

— to a manufacturer of a potato product

— for export

— when exported

— for propagation

to grow potatoes for propagation for own use

to grow potatoes for
(*purpose to be specified*)

Delivery schedule

Duties imposed on holder

Other terms, conditions and restrictions

Registration valid for (*period to be specified*)

Signed by

(*name*)

for the Potato Marketing Corporation
of Western Australia.

Dated

Form 9

[Reg. 35 (5)]

Marketing of Potatoes Act 1946

APPLICATION FOR TRANSFER OF AREA LICENCE

I/We, (*Name of each person making application*)
hereby apply for the transfer of —

Area Licence number

Name of current holder

Registered business name as a
commercial producer

Registration number

to —

(Name of grower to whom the area licence is to be transferred)

Registered business name as a
commercial producer

Registration number

Land to which the application relates *(to be specified)*

Location

Lot No.

Size of activities:

Total area to be planted *(hectares)*

Total quantity to be produced *(tonnes)*

Area in hectares to be planted by variety *(variety to be specified)*

Quantity to be produced by variety *(variety to be specified)*

Nature of activities: *(delete if not to be an activity of the business)*

to grow potatoes for sale

— to consumers in the State

— as a potato product

— to a manufacturer of a potato product

— for export

— when exported

— for propagation

to grow potatoes for propagation for own use

to grow potatoes for
(purpose to be specified)

Delivery schedule

Signed

Dated

Consent of current holder — signed

Form 10

[Reg 37 (2)]

*Marketing of Potatoes Act 1946***CERTIFICATE OF DOMESTIC MARKET ENTITLEMENT**

Entitlement Number

Name of holder

Registered business name as a
commercial producer

Registration number

Area Licence number (*authorizing the growing of
potatoes for sale to consumers in the State*)

Location of the business

Postal address

Telephone

Facsimile

Size of Domestic Market Entitlement: (*specify by variety*)Total area to be planted (*hectares*)Total quantity to be produced (*tonnes*)

Variety

Area in hectares to be planted by variety (*variety to
be specified*)Quantity to be produced by variety (*variety to be
specified*)

Delivery schedule

Duties imposed on holder

Other terms, conditions and restrictions

Entitlement valid for (*period to be specified*)Signed by
(*name*)for the Potato Marketing Corporation
of Western Australia.

Dated

Form 11

[Reg. 37 (3)]

*Marketing of Potatoes Act 1946***APPLICATION FOR TRANSFER OF DOMESTIC MARKET
ENTITLEMENT**

I/We, (*Name of each person making application*)
hereby apply for transfer of Domestic Market Entitlement number
from —

Name of current holder

Registered business name as a
commercial producer

Registration number

to —

Name of grower to whom the Domestic Market Entitlement is to be
transferred

Registered business name as a
commercial producer

Registration number

Area Licence number (*authorizing the growing of
potatoes for sale to consumers in the State*)

Area Licence numbers currently held

Location of business

Postal address

Telephone

Facsimile

Size of Domestic Market Entitlement: (*specify by variety*)

Total area to be planted (*hectares*)

Total quantity to be produced (*tonnes*)

Variety

Area in hectares to be planted by variety (*variety to
be specified*)

Quantity to be produced by variety (*variety to be
specified*)

Delivery schedule

Signed

Dated

Consent of current holder — signed

Form 12

[Reg 38 (2)]

*Marketing of Potatoes Act 1946***APPLICATION BY GROWER FOR PERMIT TO PURCHASE,
SELL OR USE POTATOES**

Name of grower applying for permit

Registered business name as a commercial producer

Registration number

Area Licence number

Location of business

Postal Address

Telephone

Facsimile

hereby applies for a permit, in respect of tonnes of (variety)
potatoes; to — (*delete as may be appropriate*)

(a) purchase potatoes

From

Registered business name of a
commercial producer

Registration number

Delivery schedule

The potatoes will be used for
(*purpose to be specified*);

(b) sell potatoes

To

Postal address

Delivery schedule

The potatoes will be used for
(*purpose to be specified*);

(c) use potatoes

grown by myself;

grown under my control,

under Area Licence number in or in connection with
a:

Catering

Manufacturing

Other
(*nature to be specified*),

business owned or conducted by me;

- (d) sell and deliver potatoes to a potato product manufacturer

Name of manufacturer

Delivery schedule

- (e) sell and deliver potatoes to a potato exporter

Name of exporter

Delivery schedule

Signed

Dated

Form 13

[Reg 38 (4)]

Marketing of Potatoes Act 1946

PERMIT FOR GROWER TO PURCHASE, SELL OR USE POTATOES

Permit Number

Name of holder

Registered business name as a commercial producer

Registration number

Area Licence number

Location of the business

Postal address

Telephone

Facsimile

Permit, in respect of tonnes of (variety) potatoes,
to — (*delete as may be appropriate*)

- (a) purchase potatoes

From

Registered business name if a commercial producer

Registration number

Delivery schedule

to be used for (*purpose to be specified*);

- (b) sell potatoes

To

Postal address

Delivery schedule

to be used for (*purpose to be specified*);

(c) use potatoes —

grown under area Licence number;

other (*specify*),

to be used for (*purpose to be specified*);

(d) sell and deliver potatoes to a potato product manufacturer

Name of manufacturer

Delivery schedule

(e) sell and deliver potatoes to a potato exporter

Name of exporter

Delivery schedule

Duties imposed on holder

Other terms, conditions and restrictions

Permit valid for (*period to be specified*)

Signed by

(*name*)

for the Potato Marketing Corporation
of Western Australia.

Dated

Form 14

[Reg. 56]

Marketing of Potatoes Act 1946

DETAILS OF SEED SALES TO GROWERS

For the month of

Name of seller

Registered business name as a
commercial producer

Registration number

Area Licence number

Location of business

Postal Address

Telephone

Facsimile

Primary Agent (*to be specified, where an agent is used*)

Date	Sold to (<i>grower's name</i>)	Variety	Tonnes	Gross sale price (\$/tonne)	Trust Fund Levy	Admin- istration charges	Seed inspection charge	Total payable to Corpor- ation
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Signed
Date

Form 15

[Reg. 57]

*Marketing of Potatoes Act 1946***PLANTING DECLARATION**

Name of grower

Registered business name as a
commercial producer

Registration number

Area Licence numbers

Total licensed area (*hectares*)

Domestic Market Entitlement number

Location of business

Postal Address

Telephone

Facsimile

Primary Agent (*to be specified, where an agent is used*)Ware potatoes — Licence number Domestic Market Entitlement
number

Variety	Area planted (<i>ha</i>)	Delivery schedule Date commencing	Tonnes
---------	-------------------------------	--	--------

Total

Location of property on which the crop is planted
(*to be specified*)

Seed potatoes — Licence number

Variety	Area planted (<i>ha</i>)	Own use (<i>tonnes</i>)	Delivery schedule Date commencing	Tonnes
---------	-------------------------------	------------------------------	--	--------

Total

Location of property on which the crop is planted
(to be specified)

Potatoes for manufacture — Licence number

Variety	Area planted (ha)	Manufact- urer	Delivery schedule Date commencing	Tonnes
---------	----------------------	-------------------	--	--------

Total

Location of property on which the crop is planted
(to be specified)

Potatoes for export — Licence number

Variety	Area planted (ha)	Exporter	Delivery schedule Date commencing	Tonnes
---------	----------------------	----------	--	--------

Total

Location of property on which the crop is planted
(to be specified)

Potatoes for other purpose (please specify) — Licence number

Variety	Area planted (ha)	Exporter	Delivery schedule Date commencing	Tonnes
---------	----------------------	----------	--	--------

Total

Location of property on which the crop is planted
(to be specified)

Potatoes for other purpose (please specify) — Licence number

Variety	Area planted (ha)	Exporter	Delivery schedule Date commencing	Tonnes
---------	----------------------	----------	--	--------

Total

Location of property on which the crop is planted
(to be specified)

Any other grower's Area Licence grown	Grower Area Licence number
Any Area Licence leased	Grower Area Licence number

Signed

Dated

Form 16

[Reg. 58]

*Marketing of Potatoes Act 1946***NOTICE OF INTENTION TO HARVEST**

Name of grower

Registered business name as a
commercial producer

Registration number

Area Licence number

Domestic Market Entitlement number (*if applicable*)

Location of business

Postal Address

Telephone

Facsimile

Primary Agent (*to be specified, if an agent is used*)

Area planted (ha)	Variety	Harvest commencing date	Estimated yield (tonnes)	for delivery to (to be specified)	Date of delivery

Location of property on which the crop is planted
(to be specified)

Signed

Dated

Form 17

[Reg. 59]

*Marketing of Potatoes Act 1946***NOTICE OF HARVEST AND DELIVERY**

Name of grower

Registered business name as a
commercial producer

Registration number

Area Licence number

Total licensed area (*hectares*)

Domestic Market Entitlement number

Location of business

Postal Address

Telephone

Facsimile

Primary Agent

Ware potatoes — Licence number Domestic Market Entitlement
number

Variety	Area planted (ha)	Area harvested (ha) for week	Tonnes harvested for week	Tonnes delivered for week	Delivered to	Tonnes in storage	Estimated tonnage still to harvest
---------	-------------------------	---------------------------------------	---------------------------------	------------------------------------	-----------------	----------------------	---

Total

Location of property on which the crop was planted
(to be specified)

Seed potatoes — Licence number

Variety	Area planted (ha)	Area harvested (ha) for week	Tonnes harvested for week	Tonnes delivered for week	Delivered to	Tonnes in storage	Estimated tonnage still to harvest
---------	-------------------------	---------------------------------------	---------------------------------	------------------------------------	-----------------	----------------------	---

Total

Location of property on which the crop was planted
(to be specified)

Potatoes for manufacture — Licence number

Variety	Area planted (ha)	Area harvested (ha) for week	Tonnes harvested for week	Tonnes delivered for week	Delivered to	Tonnes in storage	Estimated tonnage still to harvest
---------	-------------------------	---------------------------------------	---------------------------------	------------------------------------	-----------------	----------------------	---

Total

Location of property on which the crop was planted
(to be specified)

Potatoes for export — Licence number

Variety	Area planted (ha)	Area harvested (ha) for week	Tonnes harvested for week	Tonnes delivered for week	Delivered to	Tonnes in storage	Estimated tonnage still to harvest
---------	-------------------------	---------------------------------------	---------------------------------	------------------------------------	-----------------	----------------------	---

Total

Location of property on which the crop was planted
(to be specified)

Potatoes for other purpose (please specify) — Licence number

Variety	Area planted (ha)	Area harvested (ha) for week	Tonnes harvested for week	Tonnes delivered for week	Delivered to	Tonnes in storage	Estimated tonnage still to harvest
---------	-------------------------	---------------------------------------	---------------------------------	------------------------------------	-----------------	----------------------	---

Total

Location of property on which the crop was planted
(to be specified)

Signed

Dated

Form 18

[Reg. 60]

*Marketing of Potatoes Act 1946***NOTICE OF POTATOES RECEIVED BY MANUFACTURER OR EXPORTER****Week ended Saturday**

Name of manufacturer or exporter

Location of business

Postal Address

Telephone

Facsimile

Details of potatoes delivered for week (*specify dates*)

Name of grower	Variety	Tonnes delivered	Consign-ment Advice number	Date of delivery
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Signed

Dated

Form 19

[Reg. 61 (1)]

*Marketing of Potatoes Act 1946***POTATO CONSIGNMENT ADVICE****Advice Number**

Name of grower

Registered business name as a commercial producer

Registration number

Area Licence number

Domestic Market Entitlement number (*if applicable*)

Postal Address

Location of Business

Variety of potato

Number of bins

Consent to dry brush (*if applicable*)

Corporation assessment or merchant packout (*if applicable*)

Delivery to: Potato Marketing Corporation
Wholesale potato merchant
Potato products manufacturer
Potato exporter
Other (*please specify*)

Planned delivery date

Issuing Agent Name of agent
Date of issue
Signed

Carrier Name of carrier
Vehicle registration number
Date loaded
Signed

Receival by: Potato Marketing Corporation
Wholesale potato merchant
Potato products manufacturer
Potato exporter
Other (*please specify*)
Date of receival
Signed

Delivery Advice valid for week commencing

Terms, conditions and restrictions

Signed

Dated

Form 20

[Reg. 62]

Marketing of Potatoes Act 1946

CERTIFICATE OF REFUSAL

To
(*Name of grower*)

of
(*address*)

Details of consignment

Name of grower

Address of grower

Registered business name
as a commercial producer

Area Licence No.

This consignment was inspected at
(*premises*)

on and found to be below the
(*date*)
prescribed quality.

Under section 23 (2) of the Act, the Potato Marketing Corporation refuses to accept delivery of these potatoes.

Signed

Signed by
(*Name in block letters*)

on behalf of the Potato Marketing Corporation

Dated

Form 21

[Reg. 63]

Marketing of Potatoes Act 1946

NOTICE OF CLAIM

To: The Potato Marketing Corporation

1. I,
(name of claimant)

of
(address of claimant)

give notice that the consignment referred to in item 2 is subject to the claim referred to in item 3.

2. Details of consignment

Name of grower

Address of grower

Registered business name
as a commercial producer

Area Licence No.

Date of delivery

Place of receipt

Variety

Quantity

3. Particulars of claim

(a) Particulars of security

(b) Amount due and owing

Signed (Signature of claimant)

Signed by
(Name in block letters)
on behalf of the Potato Marketing Corporation

Dated

Form 22

[Reg. 64 (a)]

Marketing of Potatoes Act 1946

NOTICE OF SECURITY OVER CROP OR POTATOES GIVEN BY A GROWER

To: The Potato Marketing Corporation

The consignment referred to in item 1 is subject to the security referred to in item 2.

1. Details of consignment

Name of grower

Address of grower

Registered business name
as a commercial producer

Area Licence No.

Date of delivery

Place of receipt

Variety	Quantity

2. Particulars of security

Signed
(Signature of grower)

Signed by
(Name in block letters)
on behalf of the Potato Marketing Corporation

Dated

Form 23

Marketing of Potatoes Act 1946

[Reg. 64 (b)]

**NOTICE OF SECURITY OVER CROP OR POTATOES
GIVEN BY HOLDER OF SECURITY**

To: The Potato Marketing Corporation

The consignment referred to in item 1 is subject to the security referred to in item 2.

1. Details of consignment

Name of grower

Address of grower

Registered business name
as a commercial producer

Area Licence No.

Date of delivery

Place of receipt

Variety	Quantity

2. Particulars of security

Signed
(Signature of holder of security)Signed by
(Name in block letters)

Dated

”.

New Schedule added**29.** The principal regulations are amended by adding the following new Schedule —

“

SCHEDULE 3

[Reg. 33]

PART 1 — THE ACT

Provision creating offence	Nature of offence	Modified Penalty
s. 22 (1) (a)	Sale or delivery to a person other than the Corporation or an agent of the Corporation	\$200
s. 22 (1) (b)	Sale or delivery not in accordance with a permit or exemption	\$200
s. 22 (2) (a)	Purchase, or delivery taken, from a grower	\$200
s. 22 (2) (b)	Purchase, or delivery taken, not in accordance with a permit or exemption	\$200
s. 22 (2) (c)	Potatoes not accompanied by document required by the regulations	\$200
s. 22 (2) (c)	Potatoes not accompanied by document containing prescribed information	\$200

PART 2 — REGULATIONS

Provision creating offence	Nature of offence	Modified Penalty
s. 8 (3)	M u l t i p l e enrolment for elections	\$50
s. 21	Voting when not entitled	\$50
s. 24	False claim or statement as to enrolment	\$50
s. 31	Failure to state name of seller, consignor or supplier	\$100
s. 55 (2)	Potatoes not graded, sized or packed as required	\$100
s. 56	Failure to furnish return as to sale of seed	\$200
s. 57	Failure to furnish declaration as to planting	\$200
s. 58	Failure to furnish n o t i c e o f i n t e n t i o n t o harvest	\$200
s. 59	Failure to furnish notice of harvest	\$200
s. 60	Failure to furnish notice of receipt	\$200

”.

By Command, the Lieutenant-Governor and deputy of the Governor,

J. PRITCHARD, Clerk of the Council.