

AGRICULTURAL PRODUCTS.

No. 82 of 1974.

AN ACT to amend the Agricultural Products Act, 1929-1968.

[Assented to 10th December, 1974.]

BE 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:—

1. (1) This Act may be cited as the *Agricultural Products Act Amendment Act, 1974*.

Short title
and cita-
tion.

(2) In this Act the Agricultural Products Act, 1929-1968 is referred to as the principal Act.

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authorized
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14th Jan-
uary, 1970.

(3) The principal Act as amended by this Act may be cited as the Agricultural Products Act, 1929-1974.

Commence-
ment.

2. The provisions of this Act shall come into operation on such date or dates as is or are, respectively, fixed by proclamation.

Section 2
amended.

3. Section 2 of the principal Act is amended by substituting for the definition "sell" a definition as follows—

"sell" includes—

- (a) to offer, expose, consign, send or deliver for or on sale;
- (b) to receive for sale;
- (c) to cause or suffer to be sold, or received for sale;
- (d) to attempt to do any of the acts or things mentioned in paragraph (a), (b) or (c) of this definition,

and the words "sale" and "sold" shall be construed accordingly; .

Section 2A
added.

4. The principal Act is amended by adding after section 2 a section as follows—

Inspectors,
etc.

2A. (1) The Governor may, under and in accordance with the provisions of the Public Service Act, 1904, appoint such number of inspectors and other officers as he considers necessary for carrying into effect the provisions of this Act.

(2) The Minister may by instrument in writing authorize a person to exercise and perform all or any of the powers, duties and functions of an inspector under this Act for such period, not exceeding twelve months, as is specified in the instrument.

(3) A person acting pursuant to authority conferred on him under subsection (2) of this section shall be deemed, when so acting, to be an inspector. .

5. Section 3 of the principal Act is amended by adding after the word "graded" in line two of paragraph (b) of subsection (1), the passage "marked".

Section 3
amended.

6. Section 4 of the principal Act is amended—

Section 4
amended.

(a) by adding after the word "sale" in line four of subsection (1), the passage "or are held in storage for the purposes of sale"; and

(b) by adding after subsection (7) a subsection as follows—

(8) Nothing in this section authorizes any inspector to examine, inspect, take samples or possession of, detain, give any order in relation to, or otherwise deal with any fruit whilst that fruit is being held on the property on which it was produced unless that fruit is being offered or exposed for sale on that property.

7. Section 8 of the principal Act is amended by adding after subsection (2) a subsection as follows—

Section 8
amended.

(3) When in any proceedings in respect of an offence under this Act relating to fruit found on, in or about any building, structure or vehicle the prosecution shows that the building, structure or vehicle—

(a) was being used at the time for the sale of fruit (whether of the same kind or of any other kind); or

(b) had previously been regularly or frequently used for the sale of fruit (whether of the same kind or of any other kind),

the fruit so found shall be deemed to have been offered and exposed for sale unless the defendant proves that it was not intended to be sold until the provisions of this Act in relation thereto had been duly complied with.