

# MARKETING OF POTATOES.

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No. 26 of 1974.

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AN ACT to amend the Marketing of Potatoes Act,  
1946-1973.

[Assented to 29th October, 1974.]

**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:—

1. (1) This Act may be cited as the *Marketing of Potatoes Act Amendment Act, 1974*. Short title and citation.

(2) In this Act the Marketing of Potatoes Act, 1946-1973, is referred to as the principal Act. Reprinted as approved for reprint 23rd April, 1964 and amended by Act No. 55 of 1966 and Act No. 19 of 1973.

(3) The principal Act as amended by this Act may be cited as the Marketing of Potatoes Act, 1946-1974. 19 of 1973.

Section 5  
amended.

2. Section 5 of the principal Act is amended, as to the definition of the expression "Commercial producer", by deleting the words "and who is qualified to vote at the election of a member of the Legislative Assembly".

Section 7  
amended.

3. Subsection (3) of section 7 of the principal Act is amended by inserting after the word "Minister", in line two of paragraph (a), the passage " , of whom one shall be appointed".

Section 8  
amended.

4. Subsection (1) of section 8 of the principal Act is amended by deleting the passage beginning with the word "regulations", in line four, and ending with the word "Assembly", in line seven, and substituting the word "regulations".

New section  
19A added.

5. The principal Act is amended by inserting immediately after section 19 a new section as follows—

Appeals.

19A. (1) Where an applicant who, at any time in the two years immediately prior to the commencement of the proposed month of planting, has held a license issued by the Board permitting him to produce potatoes for sale planted during that month of the year—

(a) is refused a license to plant in that month; or

(b) is granted a license in respect of a reduced area to that previously permitted to be planted in that month,

he may appeal to the Minister in writing setting out the grounds of his appeal, and the Minister shall thereupon consider the decision of the Board and either approve, or vary or reverse that decision.

(2) An order made by the Minister under this section is final and not subject to any appeal, and shall be given effect to by the Board. .

6. Subsection (4) of section 22 of the principal Act is amended as to paragraph (e) by deleting subparagraph (iii) and substituting a new subparagraph as follows—

Section 22  
amended.

- (iii) if it did so purport or was so issued, the potatoes were not contained in any bags or other containers, or were not contained in bags or other containers branded or marked in accordance with particulars shown in the sales docket or delivery note, or did not correspond with the description given in the sales docket or delivery note;

7. Section 22B of the principal Act is amended—

Section 22B  
amended.

- (a) by renumbering the section as subsection (1);
- (b) by deleting the passage “Penalty: Four hundred dollars.”; and
- (c) by adding two new subsections as follows—

(2) At the hearing of a complaint of an offence referred to in subsection (1) of this section, evidence that the total area of land shown to have been planted with potatoes by the person charged exceeds, or was estimated by an inspector in a manner which the court considers to have been reasonable to exceed, two thousand square metres is *prima facie* evidence that the land was planted with a view to producing potatoes for sale.

(3) A person convicted of an offence against subsection (1) of this section is liable to a fine to be calculated on the basis of the total area found to be planted at a rate per square metre—

- (a) for a first offence, of not more than seven and one-half cents; and

- (b) for a second or subsequent offence, of not more than twelve and one-half cents nor less than seven and one-half cents. .

Section 30  
amended.

8. Section 30 of the principal Act is amended—

- (a) by inserting immediately after paragraph (c) of subsection (3) a new paragraph as follows—

- (ca) any moneys authorised by subsection (3a) of this section; ; and

- (b) by inserting immediately after subsection (3) a new subsection as follows—

- (3a) Where the amount of any payment or deduction calculated by the Board contains a fraction of a cent the Board may deduct therefrom the fraction of a cent and pay any fractions so deducted into a suspense account and the Board, by taking moneys out of that suspense account, may—

- (a) increase the amount of any payment or deduction to the nearest whole cent; and

- (b) pay any expenses or losses attributable to preceding prescribed periods and not previously brought to account. .
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