

SKELETON WEED (ERADICATION FUND).

No. 76 of 1974.

AN ACT to impose a contribution on growers for the purpose of the establishment of a Fund for eradication of, and the prevention of the spread of, skeleton weed and for the payment of compensation to owners of grain, seed or crop destroyed in the course of steps taken to eradicate, or prevent the spread of, skeleton weed.

[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. This Act may be cited as the *Skeleton Weed* Short title.
(Eradication Fund) Act, 1974.

Commence-
ment.

2. This Act shall come into operation on a date to be fixed by proclamation.

Saving.

3. Nothing in this Act or the regulations, limits or affects the operation of any other Act relating to weeds.

Interpreta-
tion.

4. In this Act, unless the contrary intention appears—

“Company” means Co-operative Bulk Handling Limited, a company incorporated under the provisions of the Companies Act, 1893, and deemed to be registered under the Companies (Co-operative) Act, 1943-1959, and having its office at 22 Delhi Place, West Perth;

“contribution” means the sum payable by a grower to the Fund under section 9;

“crop” means cultivated plants that when harvested contain grain or seed;

“crop year” in relation to grain or seed that is delivered to a receiver of grain or seed or to the Company means the period in which that grain or seed is grown and harvested;

“Department” means the Government Department of the State known as the Department of Agriculture;

“Director” means the person for the time being holding the office of Director of Agriculture in the Department;

“Fund” means the Skeleton Weed Eradication Fund established under section 5;

“grain” means the seeds of the cereal grasses, wheat, barley or oats;

“grower” includes the legal personal representative of a deceased person, a trustee, the liquidator of a company, a person entitled to a share of a crop, under a share farming agreement, and a corporation, organisation or body delivering grain to a receiver of grain or seed;

“inspector” means an inspector or authorized person under or for the purpose of the Noxious Weeds Act, 1950, or the Vermin Act, 1918;

“owner” means a person, other than a mortgagee not in possession, having or claiming jointly or in severalty any right, title or interest to or in any grain, seed, crop or bag and includes the authorized agent of an owner or owners;

“Protection Board” means the Agriculture Protection Board constituted under the Agriculture Protection Board Act, 1950;

“receiver of grain or seed” means a person, a body corporate or other body that carries on the business of receiving or dealing in grain or seed or grain and seed in bulk but does not include the Company;

“section” means a section of this Act;

“seed” means linseed, rapeseed and such other seed as is prescribed;

“skeleton weed” means the plant *Chondrilla juncea* L. or any part of that plant.

5. (1) There shall be established and kept at the Treasury a fund to be known as the Skeleton Weed Eradication Fund. Fund established.

(2) The Fund shall consist of contributions paid to the Fund under this Act and amounts of interest credited to the Fund pursuant to subsection (2) of section 7.

6. Subject to the Minister, all payments out of the Fund shall be approved of by the Protection Board. Payments out of Fund.

7. (1) The Fund shall be applied to the payment of— Application of Fund.

(a) expenses directly related to the eradication of, or the prevention of the spread of, skeleton weed;

- (b) compensation in accordance with this Act; and
- (c) expenses incurred in the determination of the value of any grain, seed, crop or bag in respect of which compensation is paid under this Act.

(2) Any moneys standing to the credit of the Fund may, until required for the purposes of this Act, be temporarily invested by the Treasurer in any securities approved by the Treasurer, and all interest derived from the investment shall be paid to the credit of the Fund.

(3) Moneys standing to the credit of the Fund at the time that this Act expires shall, with the approval of the Minister, be applied by the Protection Board in the eradication and prevention of the spread of weeds commonly occurring in crops.

Treasurer may make advances to the Fund in event of a deficiency.

8. (1) Where the Treasurer is of opinion that the moneys standing to the credit of the Fund are at any time insufficient for the purposes of this Act, the Treasurer may with the approval of the Governor advance to the Fund from the Public Account moneys sufficient for the time being to make up the deficiency.

(2) Moneys advanced under subsection (1) of this section shall be subsequently repaid to the Treasurer from the Fund by the Protection Board as and when moneys are available to the Fund to make repayment, and the moneys when so repaid shall be paid by the Treasurer into the Public Account.

(3) Moneys advanced by the Treasurer under this section are so long as they remain unpaid a charge on the Fund.

Liability of grower to pay contribution.

9. (1) Subject to this Act, every grower who delivered thirty or more tonnes of—

- (a) grain;
- (b) seed; or

(c) grain and seed,
to the Company or to a receiver of grain or seed grown during the crop year 1973-1974 shall pay a contribution to the Fund.

(2) Subject to this Act, every grower who delivers thirty or more tonnes of—

- (a) grain;
- (b) seed; or
- (c) grain and seed,

to the Company or to a receiver of grain or seed grown during the crop year 1974-1975 or the crop year 1975-1976 shall in respect of each such crop year pay a contribution to the Fund.

(3) The contribution prescribed by subsections (1) and (2) of this section is thirty dollars.

(4) A grower is liable to pay only one contribution in respect of each crop year and whether or not he delivers grain and seed or more than one type of grain and seed to the Company or to a receiver of grain or seed and any amount paid by or in respect of a grower that is in excess of the amount prescribed by subsection (3) of this section shall be refunded to him.

(5) For the purpose of ascertaining whether a grower is liable to pay a contribution under this section all deliveries of both grain and seed made by him shall be aggregated and for the purposes of this Act any grain or seed—

- (a) delivered during the period of twelve months ended the thirty-first day of October, 1974 shall be deemed to have been grown during the crop year 1973-1974;
- (b) delivered during the period of twelve months ending the thirty-first day of October, 1975 shall be deemed to have been grown during the crop year 1974-1975; and
- (c) delivered during the period of twelve months ending the thirty-first day of October, 1976 shall be deemed to have been grown during the crop year 1975-1976,

unless the person delivering the grain or seed satisfies the Board that it was produced in another crop year.

Contribution
a debt.

10. The contribution referred to in section 9—

- (a) in respect of the crop year 1973-1974—is payable to the Fund within six months of the coming into operation of this Act;
- (b) in respect of the crop year 1974-1975 or the crop year 1975-1976—is payable to the Fund on or before the first day of June immediately succeeding the end of the relevant crop year,

and if not paid within that time is a debt due to the Fund that may be sued for and recovered in a court of competent jurisdiction by the Protection Board.

Appointment
of receivers
to receive
contribu-
tions.

11. (1) The Minister may by notice in the *Government Gazette* appoint a receiver of grain or seed to be an agent for the collection of contributions in respect of a grower the delivery of whose grain or seed, as the case requires, is made to him or it.

(2) An appointment of a receiver of grain or seed pursuant to subsection (1) of this section may be made by reference to a person, a body corporate or other body or to a class of person, body corporate or other body.

Deduction of
contribu-
tion.

12. (1) Subject to this Act, a receiver of grain or seed appointed under section 11 shall without any further authority than this subsection deduct, from any amounts payable by him or it to a grower, the amount of any contribution payable by the grower to the Fund, unless it appears to him or it that the contribution has already been paid by or in respect of a grower who is liable to pay the contribution, and a payment of the contribution by a receiver of grain or seed under this subsection operates to discharge the grower in respect of whom it is made from liability to pay the contribution.

Protection Board may appeal to a local court constituted under the Local Courts Act, 1904, and the decision of the court is final.

Limitation
on payment
of compensa-
tion.

14. (1) Notwithstanding any other provision of this Act, compensation is not payable in respect of any grain, seed, crop or bag unless, within two months after the destruction of the grain, seed, crop or bag, a claim for compensation is made in that regard, by or on behalf of the owner in the manner and form prescribed.

(2) Where—

(a) a person has after the coming into operation of this Act, been convicted of an offence under the Noxious Weeds Act, 1950 by reason of an act or omission as a result of which grain, seed, crop or a bag becomes infested with or exposed to risk of being infested with skeleton weed; and

(b) after the commission of the offence referred to in paragraph (a) of this subsection, an amount of compensation becomes payable to that person, or to a partnership of which that person is a member, in respect of the grain, seed, crop or bag mentioned in that paragraph,

the Minister may, by instrument under his hand, direct that the whole, or such part as he thinks fit, of the amount of compensation be not paid.

False
information.

15. A person who knowingly makes a false statement, or who does, or is concerned in, any fraudulent act, for the purpose of obtaining any pecuniary benefit under this Act, whether for himself or for any other person, commits an offence.

Penalty: Two hundred dollars.

Penalty.

16. A person who contravenes or fails to comply with any of the provisions of this Act commits an offence and is liable on conviction, where no other penalty is prescribed, to a penalty of one hundred dollars.

