

## MARKETING OF LINSEED.

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No. 65 of 1971.

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AN ACT to amend the Marketing of Linseed Act, 1969 to provide for the marketing of other seeds and for purposes incidental thereto.

[Assented to 22nd December, 1971.]

**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 Linseed Act Amendment Act, 1971.* Short title and citation

(2) In this Act the Marketing of Linseed Act, 1969 is referred to as the principal Act.

(3) The principal Act as amended by this Act may be cited as the Seed Marketing Act, 1969-1971.

Amendment  
to long title.

2. The long title to the principal Act is amended—

- (a) by substituting for the word “Linseed”, in line two, the word “Seed”; and
- (b) by adding after the word “linseed”, in line three, the passage “, rapeseed, and any other seed that is declared to be a seed for the purposes of this Act,”.

Addition of  
s. 2A.

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

Change of  
name of  
Board.

2A. (1) On and after the coming into operation of this section the Board established by this Act and known as the Western Australian Linseed Board is preserved and continues in existence as a body corporate under and subject to the provisions of this Act by the name “Western Australian Seed Board”, but so that the corporate identity of the Board and its rights, powers, functions, duties, and liabilities shall not be affected.

(2) A reference to the Western Australian Linseed Board, whether by use of that name or a similar or abbreviated form of that name—

- (a) in any law of the State passed or made before the coming into operation of this section;
- (b) in any document or other instrument made, executed, entered into, or done before the coming into operation of this section; and
- (c) made before the coming into operation of this section in any other manner,

shall, unless the context is such that would be incorrect or inappropriate, be read and construed as a reference to the Western Australian Seed Board.

(3) For the purposes of this section the term "law of the State" means—

- (a) an Act;
- (b) regulations, rules, or by-laws having effect by virtue of an Act; and
- (c) an instrument having effect by virtue of an Act or of any regulations, rules or by-laws referred to in paragraph (b) of this subsection. .

4. The principal Act is amended by adding after section 3 sections as follow— Addition of s. 3A.

3A. (1) The Governor may by Order in Council published in the *Government Gazette* declare that any seed, in addition to linseed and rapeseed to which this Act expressly applies, specified in the Order in Council is seed for the purposes of this Act. Power of Governor to declare seeds for the purposes of this Act.

(2) In order to determine whether a proposal that a seed be declared a seed for the purposes of this Act is favoured by the producers of the seed concerned the Minister may arrange a ballot of those producers to be held at such time and in such manner as the regulations prescribe.

(3) Where a ballot of producers held under this section results in a majority of votes against the proposal the seed shall not be declared a seed for the purposes of this Act.

3B. (1) The Governor may on the advice of the Board by Order in Council published in the *Government Gazette* declare that any seed grown or to be grown for local refining or processing in Western Australia may be exempted on a year to year basis from the provisions of this Act provided that such seed is the subject of a contract with a local processor.

(2) A local processor for the purpose of this section shall be a person whose sole or principal refining or processing works is situated in Western Australia.

Amendment  
to s. 5.  
(Interpre-  
tation.)

5. Section 5 of the principal Act is amended—

(a) by adding before the word “means” in line one of the interpretation “appointed date” the words “in relation to a seed”;

(b) by substituting for the word “linseed”, in line four of the interpretation “appointed date”, the words “that seed”;

(c) by adding after the interpretation “producer” an interpretation as follows—

“rapeseed” means the seed of the plant *Brassica napus* Linn. var. *oleifera* or the plant *Brassica campestris* Linn. var. *oleifera* or the seed of both those plants and includes any sample or parcel of seed containing not less than sixty per cent. of rapeseed; ; and

(d) by adding after the interpretation “season” an interpretation as follows—

“seed” means linseed, rapeseed, and any other seed declared pursuant to section 3A of this Act to be a seed for the purposes of this Act; .

Amendment  
to s. 19.  
(Appointed  
date for the  
commence-  
ment of the  
marketing  
of linseed by  
the Board.)

6. Section 19 of the principal Act is amended by substituting for the word “linseed”, in line two of subsection (1), the words “a seed”.

Amendment  
to s. 25.  
(Sale of  
linseed by  
Board.)

7. Subsection (4) of section 25 of the principal Act is amended—

(a) by substituting for paragraph (d) a paragraph as follows—

(d) shall pay into the fund established under section 25A of this Act such an amount per bushel of seed sold

as is determined from time to time by the Board but not exceeding one-half of one cent per bushel; ;

- (b) by substituting for the word "pound", in line four of paragraph (e), the word "bushel"; and
- (c) by substituting for the words "a person entitled to compensation directs in writing", in lines five, six, and seven of paragraph (e), the words, "the Board thinks fit".

8. The principal Act is amended by adding after section 25 a section as follows—

Addition  
of s. 25A.

25A. (1) The Board shall establish a fund to be known as the Seed Research Fund which shall be applied in seed research.

Seed  
Research  
Fund.

(2) There shall be a committee to be known as the Seed Research Committee to advise the Minister on the application of the Seed Research Fund.

(3) The Seed Research Committee—

- (a) shall consist of three producers, one representative of the Department of Agriculture of the State, and one representative of the University of Western Australia all of whom shall be appointed by the Minister on such terms and conditions as he thinks fit; and
- (b) may function notwithstanding any vacancy on it.

(4) Any person appointed to the Seed Research Committee may be removed by the Minister at any time.

(5) The Board shall pay from the Seed Research Fund for the purposes thereof such sums as are approved by the Minister on the recommendation of the Seed Research Committee. .

Miscellaneous  
amendments.

9. The principal Act is amended as set out in the Schedule to this Act.

THE SCHEDULE.

Provision Amended.	Amendment.
Section 3	Delete "LINSEED" in line 4 and again in line 10, substitute "SEED" in each case.
Section 5	Delete "Linseed" in line 1 of the interpretation "Board", substitute "Seed".
Section 5	Delete "linseed" in line 2 of the interpretation "certificate", line 2 of the interpretation "closing date", line 2 of the interpretation "compensation", line 3 of the interpretation "licensed receiver", line 2 of the interpretation "pool", and in line 2 and again in line 3 of the interpretation "producer"; substitute "seed" in each case.
Part II (Heading)	Delete "LINSEED" in line 1, substitute "SEED".
Section 7(1)	Delete "Linseed" in line 3, substitute "Seed".
Section 9(1)	Delete "linseed" where twice occurring in line 3 of paragraph (c) and again occurring in line 3 of paragraph (d), substitute "seed" in each case.
Section 17	Delete "linseed" in line 5 of paragraph (e), substitute "seed".
Section 18(1)	Delete "linseed" in line 6, substitute "seed".
Section 18(2)	Delete "linseed" in line 2, substitute "seed".
Section 18(3)	Delete "linseed" in line 2 and again in line 3, substitute "seed" in each case.
Part IV (Heading)	Delete "LINSEED", substitute "SEED".
Section 19(3)	Delete "linseed" in line 2, substitute "the seed".
Section 19(4)	Delete "linseed" in line 5, substitute "the seed".

Provision Amended.	Amendment.
Section 19(5) ....	Delete "linseed" in line 3 and again in line 5, substitute "the seed" in each case.
Section 19(6) ....	Delete "linseed" in line 2, substitute "a seed".
Section 20(1) ....	Delete "linseed" in line 3, substitute "the seed".
Section 20 (2) ....	Delete "to linseed" in line 2, substitute "in respect of any of the seed".
Section 21(1) ....	Delete "linseed" in line 3, substitute "a seed".
Section 21(3) ....	Delete "linseed" in line 2, substitute "the seed".
Section 22(1) ....	Delete "linseed" in line 2, substitute "the seed".
Section 22(2) ....	Delete "linseed" in line 3, substitute "the seed".
Section 23 ....	Delete "linseed" in line 1, again in line 2, and again in line 5, substitute "seed" in each case.
Section 24(1) ....	Delete "linseed" in line 2 and again in line 4, substitute "seed" in each case.
Section 24(2) ....	Delete "linseed" in line 2, substitute "seed".
Section 25(1) ....	Delete "linseed" in line 1, substitute "seed".
Section 25(2) ....	Delete "linseed" in line 1 of paragraph (b) and again in line 3 of that paragraph, substitute "any seed" and "the seed" respectively.
Section 25(2) ....	Delete "linseed" where twice occurring in line 1 of paragraph (c), substitute "any seed" in each case.
Section 25(2) ....	Delete "linseed" in line 3 of paragraph (d), again in line 7 of that paragraph, and again in line 8 of that paragraph; substitute "any seed", "the seed" and "seed" respectively.

Provision Amended.	Amendment.
Section 25(3) ....	Delete "linseed" in line 3, substitute "the seed".
Section 25(4) ....	Delete "linseed" in line 1, substitute "seed".
Section 25(4) ....	Delete "linseed" in line 3 of paragraph (e) and again in line 5 of that paragraph, substitute "seed" in each case.
Section 26(2) ....	Delete "linseed" in line 3, substitute "the seed".
Section 26(2) ....	Delete "linseed" where twice occurring in line 6, again in line 7, and again in line 10; substitute "seed" in each case.
Section 27 ....	Delete "linseed" in line 2, again in line 3, and again in line 5; substitute "seed" in each case.
Section 28(1) ....	Delete "linseed" in line 3, substitute "a seed".
Section 28(1) ....	Delete "linseed" in line 5 and again in line 8, substitute "seed" in each case.
Section 28(2) ....	Delete "linseed" in line 2, substitute "a seed".
Section 29(1) ....	Delete "linseed" in line 4, again in line 6, again in line 7, and again in line 8; substitute "seed" in each case.
Section 30 ....	Delete "linseed" in line 2 and again in line 4, substitute "seed" in each case.