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OF

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Crown Law Department,  
Perth, 27th April, 1965.

THE undermentioned regulations made under the provisions of the Marketing of Onions Act, 1938 and amended from time to time prior to 4th March, 1965, are reprinted as so amended pursuant to the Reprinting of Regulations Act, 1954, by authority of the Minister for Justice.

R. C. GREEN,  
Under Secretary for Law.

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MARKETING OF ONIONS ACT, 1938.

### MANAGEMENT OF BOARD REGULATIONS

Published in the *Government Gazette* on the 18th July, 1941, and incorporating the amendments thereto published in the *Government Gazette* on the 10th October, 1947, the 22nd May, 1953, the 30th December, 1955, the 13th August, 1957, the 13th May, 1958, the 11th April, 1961, the 10th August, 1962, the 16th December, 1963, and the 6th February, 1964; and reprinted pursuant to the Reprinting of Regulations Act, 1954.

Reprinted pursuant to the Reprinting of Regulations Act, 1954, by authority of the Minister dated 27th April, 1965.

#### MARKETING OF ONIONS ACT, 1938.

##### Regulations for the Management of the Western Australian Onion Marketing Board.

1. These regulations may be cited as the Marketing of Onions (Management of Board) Regulations, and shall be read in conjunction with and as supplementary to the regulations heretofore made and hereafter to be made by the Governor under and for the purposes of the Act.

2. In these regulations, unless the context shall otherwise require—

“the Act” means the Marketing of Onions Act, 1938, and any Act amending the same;

“the Board” means the Western Australian Marketing Board as constituted by the Act;

“Secretary” means the secretary of the Board and includes any person appointed by the Board to act as secretary during the absence of the secretary.

##### Meetings.

3. (1) The Board shall meet on such dates, at such places, and at such times as the Board may from time to time by resolution determine.

(2) The chairman, if so requested at any time by any two members of the Board, shall forthwith call a special meeting of the Board.

4. The secretary shall cause to be given to each member of the Board, in writing, either delivered personally or sent by post or by telegraph, notice of every ordinary and every special meeting of the Board at least two clear days before the date fixed for the meeting.

Provided that, if in the opinion of the chairman it is desirable in the case of emergency so to do, shorter notice of a special meeting may be given to each member aforesaid.

5. (1) If at the time appointed for a meeting of the Board a quorum is not present—one half hour after the time so appointed shall be allowed for the formation of a quorum—and if at the expiration of that period no quorum is present, the meeting shall lapse.

(2) When a meeting lapses through want of a quorum, the business set down for such meeting shall be the business or be included in the business of the next ordinary meeting of the Board.

6. At the meetings of the Board at which the chairman is present, he shall preside. In the absence of the chairman through any cause whatever, the members present at the meeting shall elect one of their number to be chairman for that meeting.

7. At all meetings of the Board, every member present shall vote on resolutions and matters submitted at such meetings.

8. (1) The secretary shall keep proper minutes of all resolutions, business, and proceedings made or transacted at each meeting of the Board. Such minutes shall be submitted to the members for confirmation, either at the same or a subsequent meeting, and, when confirmed, shall be signed by the chairman.

(2) Any entry in the minute book, which is signed by the chairman, that a resolution has been carried or lost at any meeting shall be conclusive evidence of that fact.

9. The order of business at ordinary meetings of the Board shall be as follows:—

- (a) Reading and confirmation of minutes of previous meeting.
- (b) Matters arising from the minutes of the previous meeting.
- (c) Correspondence.
- (d) Statement of receipts and payments since the previous meeting.
- (e) Accounts.
- (f) Matters relating to officers, servants and agents of the Board.
- (g) Motions.
- (h) Notices of motion.
- (i) Such other matters as any member of the Board desires to bring before the Board.

10. At special meetings of the Board, only the business for which the special meeting has been called shall be dealt with.

11. A resolution of the Board shall not be revoked or altered, unless notice of the intention to propose such revocation or alteration is given in writing to each of the members of the Board two days at least before the meeting at which the revocation or alteration is to be proposed. Provided that—

- (i) a member intending to propose such revocation or alteration aforesaid may, in lieu of giving notice to each member personally as required by this regulation, at any meeting of the Board give notice in writing of his intention to propose such revocation or alteration at the next following meeting of the Board; and
- (ii) where notice of motion has been given as provided for in paragraph (i) hereof, the secretary, when giving notice of the next meeting to members of the Board, shall annex thereto a copy of the said notice of motion.

Correspondence.

12. All correspondence by the Board shall be signed by the chairman, or the secretary, or the manager, or other person as authorised by the Board.

Accounts, etc.

13. (1) The secretary or any other person authorised in that behalf by the Board shall receive and account for all moneys paid to the Board, and each day shall bank all moneys received by him at a bank selected by the Board.

(2) Only the secretary, or such other person authorised by the Board for the purpose, may indorse cheques for collection on behalf of the Board, and all cheques so indorsed shall be passed through the bank account of the Board.

14. All accounts due and payable by the Board shall be passed by the Board by a resolution duly carried at a meeting of the Board: Provided that the secretary, with the approval of a member of the Board may make payments, when necessary, in anticipation of and subject to the confirmation of the Board at its meeting next following the date upon which the payment to be confirmed was made.

15. (1) All accounts due by the Board which exceed two pounds shall be paid by cheque drawn on the Bank account of the Board and signed by any member of the Board and countersigned by the secretary.

(2) All accounts not exceeding two pounds may be paid from a petty cash account in the hands of the secretary, the standing balance of which shall not at any time exceed ten pounds.

16. (1) At least every twelve months the secretary shall cause to be displayed conspicuously in the public office of the Board—

(a) a full and explicit statement of the Board's receipts and expenditure, and of its stock, transactions, and liabilities for the period since the last preceding statement was displayed in accordance with the regulations; and

(b) a full and explicit balance sheet of the Board audited in accordance with the provisions of section 17 of the Act.

(2) The statement and balance sheet referred to in paragraph (1) of this regulation shall remain displayed as aforesaid until they are replaced by a subsequent statement or balance sheet, as the case may be.

(3) Every such statement and balance sheet, whilst displayed as aforesaid, shall be available for perusal and copying by any person, during such times as the public office of the Board is open to the public for business.

#### Common Seal.

17. (1) The secretary of the Board shall have the custody of the Common Seal of the Board.

(2) The Common Seal shall be kept in such place as the Board may from time to time direct and, when not in use shall be kept in a place of safe custody secured by lock and key.

18. (1) The Common Seal shall not be affixed to any document, except by the authority of a resolution of the Board.

(2) In every case where the Common Seal is authorised to be affixed to a document, it shall be affixed only in the presence of at least two members of the Board (one of whom shall be the chairman or the member for the time being acting as chairman of the Board), who shall thereupon sign the document, which shall also be countersigned by the secretary.

#### Appointment of Agents.

19. (1) Every person who desires to be appointed as an agent of the Board for the purposes of the Act shall make application to the Board, in writing, signed by him, in the Form No. 1 in the Appendix to these regulations.

(2) The appointment of every agent of the Board shall be at such remuneration for such period and upon and subject to such terms, covenants and conditions as the Board may from time to time determine.

(3) Every appointment of an agent shall be evidenced by an agreement, in writing, signed by the agent and by the chairman of the Board on behalf of the Board setting forth the rate or manner of remuneration to be paid, the period of appointment and the terms, covenants, and conditions upon and subject to which the appointment is made.

(4) A certificate under the hand of the chairman of the Board that the person named therein has been appointed as an agent of the Board, shall, until such certificate is revoked by writing under the hand of the chairman, be sufficient evidence that the said person is an authorised agent of the Board.

(5) Where the remuneration of an agent is fixed on the basis of a commission, the rate of such commission shall not exceed seven pounds ten shillings per centum plus freight, cartage, and other expenses actually incurred and paid or payable by the agent.

## Duties of Agents.

## 20. Every authorised agent of the Board shall—

- (a) subject to the Act and these regulations, carry out the lawful directions of the Board;
- (b) make the returns required to be made by him under these regulations in accordance with these regulations;
- (c) subject to regulation 21 hereof, promptly remit to the secretary of the Board the proceeds of sales of onions sold by him on behalf of the Board after such proceeds have been received by him.

21. Where an agent is remunerated on the basis of a commission on sales, such agent may, prior to remitting the proceeds of sales to the secretary of the Board as required by regulation 20 hereof, deduct therefrom the commission and out of pocket and other expenses to which he is entitled under the terms of his appointment as agent aforesaid.

## Returns, etc.

22. (1) Every grower shall complete and forward to the Board a return in Form No. 2 in the Appendix to these regulations to reach the Board at its office in Perth not later than seven days prior to the first day of any month in which he will have onions which are matured or in the opinion of the Board ready for delivery.

Substituted  
by G.G.  
30/12/55,  
p. 3089.  
Amended  
by G.G.  
10/8/62,  
p. 2205.

(2) A grower who, pursuant to the Act, is a bailee in possession of onions shall not, during the subsistence of that bailment, without the approval of the Board, remove or permit to be removed, any onions from the place where they are at the commencement of the bailment.

(3) A person who, without the approval of the Board, receives onions from a grower then being a bailee in possession of them, whether for safe custody, storage and protection or any other purpose, commits an offence; and the person so receiving the onions shall, forthwith after being so required by the Board, deliver them up to the Board.

(4) Where, pursuant to the approval of the Board, a person receives onions from a grower then being a bailee in possession of them, the person receiving them is deemed to hold the onions to the order of the Board and shall forthwith after receiving them, notify the Board, in writing, of that fact, giving particulars of the variety of the onions, the number of packages wherein they are contained and from whom, and when, the onions were received.

22A. Every grower or agent of a grower who, between the thirty-first day of July and the first day of November in any year, has in his possession any onions for sale or otherwise shall, on or before the 15th of November in that year, furnish to the Board a return in the form of Form No. 2A in which he shall set out—

Added by  
G.G. 13/5/58,  
p. 986.

- (a) the quantity of onions held by him at midnight on the thirty-first day of July in that year with details of the quantities of each type of onion so held by him;
- (b) the quantity of onions harvested and marketed and held by him between the thirty-first day of July and the first day of November in that year, with details of the quantities of each type of onion so harvested and marketed and so held;
- (c) the quantity of onions held by him at midnight on the thirty-first day of October in that year, with details of the quantities of each type of onion so held by him and
- (d) such other particulars as the form indicates, are required to be furnished by a grower or the agent of a grower.

22B. A person who fails to furnish a return in all respects required by these regulations to be furnished by him or who furnishes a return so required which he knows to be false or inaccurate in any material particular, commits an offence.

Penalty: Twenty pounds.

Amended  
by G.G.  
30/12/55,  
p. 3089,  
G.G. 16/12/63,  
p. 3907.

23. (1) Every grower of onions, which are intended for sale, shall complete and forward to the Board a return on the Form No. 3 in the Appendix to these regulations, showing therein the acreage, variety or varieties, expected date of maturity, and the estimated tonnage of each variety.

(2) The return referred to in subregulation (1) of this regulation shall be posted or delivered to the secretary of the Board not later than the 31st day of December following every Proclamation issued under section 4 of the Act up to and including (except in the case of late brown onions) the 31st day of December, 1963, but after that date such return shall be so posted or delivered—

(a) in the case of early white onions and early brown onions, not later than the 1st day of November in each and every year;

(b) in the case of mid brown onions and late white globe onions, not later than the 31st day of December in each and every year; and

(c) in the case of late brown onions, not later than the 1st day of February in the year 1964 and in each and every year thereafter.

(3) No payment for onions acquired by the Board from a grower shall be paid to such grower, unless and until the return required by this regulation has been received by the secretary of the Board.

(4) A grower who commits a breach of the provisions of this regulation commits an offence and on conviction is liable to a penalty of twenty pounds.

Added by  
G.G. 11/4/61,  
p. 910.

23A. Every grower of onions who has been served with a request in writing from the Board that he deliver onions to the Board or its agent or to a purchaser from the Board, as the request may direct, shall deliver in accordance with such direction the quantity of onions specified in the request within fourteen days from the date of such service, unless the grower satisfies the Board by notice in writing that for good reason he is unable to deliver such onions within that time.

24. Every authorised agent of the Board shall at the end of each and every week complete and forward to the secretary of the Board a return on the Form No. 4 in the Appendix to these regulations, in respect of his transactions as such authorised agent during the week then last past.

#### Grower's Identification Numbers, etc.

25. (1) Every grower of onions shall be allotted by the Board, for the purpose of identification, a number, which shall be entered in a register, to be kept by the Board for the purpose.

(2) Every grower shall quote his registered number on delivery of onions by him to an authorised agent of the Board, and in all returns and other correspondence forwarded by him to the Board.

26. (1) All growers, carriers, and other persons, when making delivery of onions acquired by the Board to its authorised agents, shall make certain that the full name and address of the grower, and the grade, description, and weight of the onions delivered are distinctly shown on the cartnote, consignment note, or other documents evidencing the delivery of such onions.

(2) The grower or other person obtaining any such cartnote, consignment note, or other documents aforesaid in connection with the delivery of onions as aforesaid shall obtain the same in duplicate, and shall cause the duplicate copy thereof to be forwarded forthwith to the secretary of the Board.

26A. (1) A grower or a person dealing or trafficking in onions whether as owner or agent or concerned in the transport or having the custody of onions shall, upon receiving through an officer of the Board oral or written notice from the Board requiring him to furnish a return in the Form No. 6 in the appendix to these regulations, complete and forward the return to the Board within the time specified in the notice.

Added by  
G.G. 13/8/57,  
p. 2453.

(2) A person who fails to comply with the provisions of this regulation or who furnishes to the Board a return in that form containing information which is false commits an offence.

Penalty: Twenty pounds.

Certificate of Estimate under s. 11 (i) of the Act.

Heading  
substituted  
by G.G.  
30/12/55,  
p. 3089.

27. The certificate when issued to a grower by the Board as provided for in paragraph (i) of section eleven of the Act shall be in the Form No. 5 in the Appendix to these regulations.

Reg. 27  
amended by  
G.G. 22/5/53,  
p. 1007.  
Substituted  
by G.G.  
30/12/55,  
p. 3089.

Exemptions from Operation of Section 11.

27A. (1) The Board may in such cases and on such terms as the Board thinks fit, exempt, either generally or in any particular case, from the operation of section eleven of the Act—

Heading  
and Reg.  
27A inserted  
by G.G.  
30/12/55,  
p. 3089.

(i) any sale by a grower to a wholesaler operating outside the metropolitan area, and

(ii) any purchase by a wholesaler operating outside the metropolitan area from a grower,  
of onions produced outside the metropolitan area.

(2) The exemption so granted may be revoked at any time by the Board.

(3) In this regulation metropolitan area means the metropolitan area within the meaning of the Traffic Act, 1919-1954.<sup>1</sup>

Offences and Penalties.

28. Where any matter or thing is by these regulations directed or forbidden to be done, or where any authority is given by these regulations to any person to direct or forbid any matter or thing to be done, and such matter or thing directed to be done is not done, or such matter or thing forbidden to be done is done, in every such case the person offending against such direction or prohibition shall be guilty of an offence against these regulations.

29. Every person guilty of an offence against these regulations is liable to a penalty not exceeding twenty pounds.

Amended  
by G.G.  
10/8/62,  
p. 2206.

30. The secretary may, subject to the approval of the Board and for and on behalf of the Board—

(a) sign complaints and institute proceedings for offences against these regulations;

(b) sign complaints and institute proceedings for any offences against or breaches of the regulations made and in force under the Agricultural Products Act, 1929, relating to the grading, branding, or marking and packing of onions;

<sup>1</sup> Now Traffic Act, 1919-1964.

- (c) engage a solicitor or counsel in connection with any proceedings instituted by him under the authority of this regulation.

Heading  
and Reg.  
31 inserted  
by G.G.  
10/10/47,  
p. 1916.

#### Exemptions.

31. The Board may, in such cases and on such terms as the Board may think fit, exempt from the operation of section 11 of the Act sales of onions in regard to early onions, comprising spring and flat white onions sold in bunches and in bags.

#### APPENDIX.

Form No. 1.

Western Australia.

Marketing of Onions Act, 1938.

#### APPLICATION FOR APPOINTMENT AS AUTHORISED AGENT OF THE WESTERN AUSTRALIAN ONION MARKETING BOARD.

(Regulation 19.)

I, (a).....  
of (b).....  
in the State of Western Australia (c).....  
hereby apply to be appointed as an authorised agent of the Western  
Australian Onion Marketing Board under and for the purposes of  
the Marketing of Onions Act, 1938, and hereunder furnish particu-  
lars as follows:—  
.....  
.....  
.....

Dated this..... day of....., 19.....

Applicant.

(a) Name of Applicant; (b) Address; (c) Occupation.

Substituted  
by G.G.  
30/12/55,  
p. 3090.

Marketing of Onions Act, 1938.

Form No. 2 (Regulation 22).

(To be at Board office not later than seven days prior to 1st of  
month in which onions mature or are in Board's opinion ready  
for delivery.)

#### ONIONS READY FOR DELIVERY—MONTHLY ADVICE.

I advise that I will have ready for market the following onions  
in the month of.....

Week.	Brown.		White.		Picklers.
	No. 1	No. 2 Large.	No. 1	No. 2 Large.	
1st	.....	.....	.....	.....	.....
2nd	.....	.....	.....	.....	.....
3rd	.....	.....	.....	.....	.....
4th	.....	.....	.....	.....	.....

Total deliveries to date shown on reverse.

Quantity advised in Form No. 3.

I certify the above particulars are correct.

(Grower's signature.)

Grower's number.....

Date .....



[Reverse Side of Form No. 2.]

## DELIVERIES.

Grower's Number.	Date.	Delivery Number.	Brown.	White.	Picklers.

Form No. 2A.

Western Australia.

Inserted by  
G.G. 13/5/58,  
p. 867.

Marketing of Onions Act, 1938.

## RETURN TO BE FURNISHED UNDER REGULATION 22A.

Name (in full).....

Address (of person furnishing return).....

(a) Quantity of onions held at 31st July, 19.....

Brown  
White  
Picklers(b) Quantity of onions harvested and marketed and held  
between the 31st July.....and the 1st November.....Brown  
White  
Picklers

(c) Quantity of onions held at midnight on 31st October.....

Brown  
White  
Picklers.(d) Quantity disposed of between 31st July and 31st Oct-  
ober.

	T.	c.	qr.	lbs.	Purchaser.
Brown					
White					
Picklers					

I hereby certify the above information is true.

Date.....

Amended by  
G.G. 30/12/55,  
p. 3090.

Form No. 3.

Western Australia.

Marketing of Onions Act, 1938.

RETURN BY GROWER OF ONIONS INTENDED FOR SALE.  
(Regulation 23.)

Name of Grower.....  
Full Address.....  
Estimated } Acres planted.....Brown.....Estimated Yield.  
Crop. } Acres planted.....White.....Estimated Yield.  
Expected date or dates of maturity.....Brown  
.....White

Date..... Signature of grower.....

I..... (insert full name of grower)  
of..... (insert place of abode) the grower  
referred to above, do solemnly and sincerely declare that the par-  
ticulars filled in above are to the best of my knowledge and belief  
true and correct as on the date hereof.

And I make this solemn declaration by virtue of section one  
hundred and six of the Evidence Act, 1906.

Declared at.....this.....day of....., 19.....,  
before me.

Justice of the Peace or  
Commissioner of Declarations.

(To be made before a Justice of the Peace or Commissioner of  
Declarations.)

Form No. 4.

Marketing of Onions Act, 1938.

WEEKLY RETURN BY AUTHORISED AGENT.  
(Regulation 24.)

Name and Address of Agent.....  
Week ending.....

Return of all onions received from growers, sales made,  
and onions carried over.

	Br. No. 1	Br. No. 2	Br. L.	Wh. No. 1	Wh. No. 2	Wh. L.	Pick- lers	Total
Onions on hand previous week								
Onions received during week as per cartnotes attached ....								
Total ....								
Sales during week as per ac- count sales attached ....								
Onions on hand end of week ....								

I certify that the above particulars are correct.

Date..... Agent.

Form No. 5.

No.....

Amended by  
G.G. 30/12/55,  
p. 3091.

Western Australia.

Marketing of Onions Act, 1938.

## CERTIFICATE OF ESTIMATED QUANTITY.

(Regulation 27.)

This is to certify that the quantity of onions detailed hereunder as determined and fixed by the Western Australian Onion Marketing Board under section 11 (i) of the Act is approved as a quantity within the estimate of onions produced or in course of production by grower..... (here insert full name of grower) of..... (here insert grower's address).

Marks	Bags	Grade and Description	Con. No.	T.	C.	Q.	Lb.	Remarks

The Board has approved of an advance @      per ton.

				T.	C.	Q.	Lb.	£	s.	d.
Brown	No. 1	....	....							
"	No. 2	....	....							
"	Large	....	....							
White	No. 1	....	....							
"	No. 2	....	....							
"	Large	....	....							
Picklers		....	....							
Total	....	....	....							

Cheque No..... £      :      : herewith please indorse and pay into your Bank without delay. Your Registered Number is ..... Kindly use this on all consignments and correspondence in the future.

Date..... Secretary.

Form No. 6.

Western Australia.

Marketing of Onions Act, 1938.

## RETURN TO BE FURNISHED UNDER REGULATION 26A.

To be completed and returned to W.A. Onion Marketing Board Office, Shops 5 and 6, Metropolitan Markets, West Perth, by not later than..... p.m..... day of..... 19.....  
Name (in full).....  
Address.....

(Of person furnishing return.)

(1) Quantity of onions in custody of person furnishing return:—

- (a) If in bags (No., Size and marks of bags)      White      Brown.  
.....  
(b) Loose (give weight in tons, cwt. and lb.)      .....

Inserted by  
G.G. 13/8/57,  
p. 2453.  
Substituted  
by G.G.  
6/2/64,  
pp. 531-2.

- (2) State capacity in which person furnishing return is holding the onions (i.e. as producer, owner, carrier, purchaser, agent, etc.)  
.....
- (3) If onions are stored or carried in a vehicle, state description of vehicle and current license No. and the name and address of the holder of the vehicle license.....  
.....
- (4) If onions are held by a person other than the producer, state the name and address of the person from whom or on whose behalf, and the date upon which, onions were obtained or are held.....  
.....
- (5) State purpose for which onions are held.....

I,..... hereby declare  
(Name of person furnishing return.)

that the information set out above is true, this.....  
day of.....19.....

Signature.....

Handed questionnaire above.....19.....

Signature.....