



Western Australia

Marketing of Potatoes Regulations 1987

Compare between:

[12 Sep 2016, 01-d0-02] and [22 May 2021, 01-e0-00]

Western Australia

Marketing of Potatoes Act 1946

Marketing of Potatoes Regulations 1987

Part I — Preliminary

1. Citation

These regulations may be cited as the *Marketing of Potatoes Regulations 1987*.

[2. Deleted: Gazette 1 Sep 1995 p. 4064.]

3. Interpretation

In these regulations unless the contrary intention appears —

chief executive officer means the person appointed under section 18(4) of the Act as chief executive officer of the Corporation;

domestic market entitlement means, in relation to a relevant domestic marketing pool established under section 26(2) of the Act, the respective entitlement allocated to each business registered;

inspector means a person appointed under section 18(1) of the Act to be an inspector for the purposes of the Act and, in so far as section 18(5) permits, includes a reference to —

- (a) a person accompanying an inspector; and
- (b) the chief executive officer;

licence means an area licence —

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- (a) issued by the Corporation to the holder as a commercial producer; or
- (b) acquired by the holder as a commercial producer from another commercial producer by means of a transfer approved by the Corporation under the Act;

registration means the registration of a business under section 22B of the Act.

[Regulation 3 amended: Gazette 1 Sep 1995 p. 4064.]

Part II — Election of elective members of Corporation

[Heading amended: Gazette 18 Mar 2008 p. 865.]

4. Interpretation

In this Part —

elective member of the Corporation means a person to be eligible for appointment to the Corporation to represent commercial producers as an elective member of the Corporation in accordance with section 8 of the Act.

[Regulation 4 amended: Gazette 1 Sep 1995 p. 4064.]

5. Electoral Commissioner to hold and conduct elections of elective members

- (1) The Electoral Commissioner has the function of holding and conducting the elections of the elective members of the Corporation in accordance with this Part.
- (2) A person appointed by the Electoral Commissioner for the purposes of this Part is the returning officer for an election referred to in subregulation (1).
- (3) In this regulation —

Electoral Commissioner means the Electoral Commissioner appointed under the *Electoral Act 1907*.

[Regulation 5 inserted: Gazette 22 Dec 1998 p. 6833-4.]

6. Vacancies

Where any extraordinary vacancy arises or any vacancy is about to arise by effluxion of time in relation to the membership of an elective member of the Corporation, the following provisions shall apply —

- (a) in the case of an extraordinary vacancy, the returning officer shall notify the Chairman of the Corporation in writing as soon as possible after the extraordinary vacancy has arisen;

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- (b) in the case of vacancies occurring by effluxion of time, the returning officer shall, at least 3 months before the term of office of an elective member will expire by effluxion of time, inform the Chairman of the Corporation in writing of the name of the elective member whose term of office is about to expire, and of the day upon which the term of office will expire;
- (c) as soon as possible after a notification from the returning officer under paragraph (a) or paragraph (b) has been received, the Corporation shall fix the day for the holding of the election to fill the vacancy or vacancies and shall forthwith notify the returning officer of the day;
- (d) the Corporation shall ensure that the day fixed under paragraph (c) enables the returning officer to comply with paragraph (e);
- (e) upon receipt of the notice from the Corporation fixing the day for the holding of the election, the returning officer shall by public notice, published not less than 2 months and not more than 3 months before the day fixed for the election, inform the commercial producers —
 - (i) of the intention to hold the election;
 - (ii) of the day fixed for the election;
 - (iii) of the nomination day; and
 - (iv) of the address of the returning officer;
- (f) the nomination day shall be not less than 14 days nor more than 6 weeks prior to the day fixed for the election.

[Regulation 6 amended: Gazette 1 Sep 1995 p. 4064.]

7. Electoral roll

- (1) For the purposes of elections to be held for the election of elective members of the Corporation, the returning officer shall, on or as soon as possible after 30 September in each year,

prepare an electoral roll from the register of commercial producers, for use at all elections whether to fill extraordinary vacancies or ordinary vacancies.

- (2) The electoral roll shall be signed on each page by the returning officer, and shall continue in force until the next electoral roll has been prepared in accordance with these regulations.
- (3) Where an extraordinary vacancy arises during the currency of any electoral roll, the returning officer may amend the roll by —
 - (a) including persons who have become eligible for enrolment; and
 - (b) by the removal of the names of persons who have ceased to be eligible for enrolment.

[Regulation 7 amended: Gazette 1 Sep 1995 p. 4064.]

8. Corporate bodies and partnerships

- (1) Where any commercial producer eligible for enrolment on the electoral roll is a corporate body, the board of directors may authorise any director, secretary or other officer (being a person not already enrolled or entitled to be on the electoral roll) to represent the corporate body as an elector, and upon receipt of an application for enrolment from a representative, together with a certificate of authority in writing from the director of the corporate body, the returning officer may enrol the representative on the electoral roll.
- (2) In the case of a partnership, either one of the partners, but not more than one, at any one time may apply for enrolment and be enrolled on the electoral roll upon which the partnership is entitled to be enrolled.
- (3) No person shall be entitled to be enrolled on the electoral roll more than once, whether as an elector in his own right or as the representative of a corporate body, or as a partner in a partnership, or otherwise.

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- (4) Every certificate of authority given under subregulation (1) shall remain effective for all subsequent elections and electoral rolls until written notice of revocation is sent or delivered to the returning officer.
- (5) Any corporate body may cancel or revoke any certificate of authority given by it under this regulation by notice in writing from the board of directors, sent or delivered to the returning officer.
- (6) Any cancellation or revocation referred to in subregulation (5) shall not invalidate any vote given by the representative enrolled and voting by virtue of a certificate of authority at an election held prior to the cancellation or revocation.
- (7) Upon receipt of notice of cancellation or revocation of authority, the returning officer shall forthwith remove from the electoral roll the name of the representative certificate whose authority has been cancelled or revoked.

9. Nominations

- (1) A person who is a commercial producer and is not —
 - (a) an undischarged bankrupt; or
 - (b) a person who has been convicted of an indictable offence for which a sentence of imprisonment for 12 months or longer may be imposed,may nominate for election for appointment as an elective member of the Corporation.
- (2) Every nomination of a candidate for election as an elective member of the Corporation —
 - (a) shall be made in writing, in the form of Form 1 in Schedule 1;
 - (b) shall be signed by the candidate and by a proposer and seconder, both of whom shall be persons enrolled on the electoral roll to be used at the election; and

- (c) shall be sent or delivered to the returning officer so as to be in his hands not later than 12 o'clock noon of the nomination day for the election.
- (3) Every nomination form received by the returning officer after the time specified in subregulation (2)(c) shall be rejected by him.
- (4) Forthwith, after 12 o'clock noon of the nomination day, the returning officer shall examine all the nominations received by him and satisfy himself that the candidates whose names appear on the nomination forms are eligible for election, and that the persons who have signed the forms as proposer and seconder are entitled to do so.
- (5) The returning officer shall reject any nomination form which, in his opinion, is not in order as required by these regulations, and any such rejection shall be final and conclusive.
- (6) Where the number of candidates nominated does not exceed the number of candidates to be elected, the returning officer shall forthwith certify that fact to the Corporation, together with the names, addresses and occupations of the candidates nominated in accordance with Form 2 in Schedule 1 and such certificate, when received by the Corporation, shall be final and conclusive evidence of the election of the candidates as members of the Corporation.
- (7) Where the Chairman of the Corporation receives the certificate specified in subregulation (6) he shall cause a copy to be published in the *Government Gazette* and in a newspaper published in Perth.
- (8) Where the number of candidates nominated exceeds the number to be elected, the returning officer shall hold an election in accordance with these regulations.

[Regulation 9 amended: Gazette 1 Sep 1995 p. 4064.]

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10. Polling

- (1) Where an election is necessary to elect an elective member or elective members of the Corporation, the returning officer shall, as soon as practicable after the closing time for the receipt of such nominations, but within 7 days, cause ballot papers to be printed in accordance with Form 3 in Schedule 1 containing the names of all the candidates in alphabetical order.
- (2) The ballot paper shall set forth in a space provided for the purpose notice of the day fixed for the closing of the poll.

[Regulation 10 amended: Gazette 1 Sep 1995 p. 4064.]

11. Ballot papers sent to electors

- (1) The returning officer shall send by prepaid post to each person, whose name appears as an elector on the electoral roll, to his postal address as shown on his application for enrolment, one ballot paper, with the initials of the returning officer, or of some other person authorised in that behalf by the returning officer, endorsed on the back, together with an envelope marked "Ballot Paper Envelope", and another envelope addressed to the returning officer and a form of statement in Form 4 in Schedule 1, to be completed and signed by the elector.
- (2) The returning officer may, before sending Form 4 to an elector, fill in the particulars to be furnished so that it will be ready for signature and completion by the elector when marking his ballot paper.
- (3) A person whose name is not on the electoral roll is not entitled to receive a ballot paper or to vote at the election.

12. Ballot papers returned to returning officer

- (1) For the purpose of casting his vote at the election, the elector shall mark his vote on the ballot paper, and shall then place it in the envelope marked "Ballot Paper Envelope", and seal the envelope.

- (2) He shall then sign and complete the statement in accordance with the directions and then place the sealed envelope, with the ballot paper enclosed and the statement signed and completed in the envelope addressed to the returning officer, and seal the envelope.
- (3) The elector may then send by prepaid post or may deliver the envelope addressed to the returning officer, with its said enclosures, to the returning officer at his address shown on the envelope, but so that such envelope shall be in the hands of the returning officer not later than 4.00 pm on the day fixed for the closing of the poll.

13. Lost ballot papers

If, prior to the closing of the poll, an elector satisfies the returning officer that he has not received a ballot paper and is entitled to vote at the election, or that the ballot paper or envelopes received by him have been lost or destroyed, and that he has not already voted at the poll, the returning officer may post or give personally to the elector a ballot paper and envelopes or a further ballot paper and envelopes, as the case may be.

14. Preferential voting

- (1) Voting shall be by means of a preferential ballot.
- (2) When only one candidate is to be elected and there are not more than 2 candidates, the elector shall mark his vote on the ballot paper by placing the numeral 1 opposite the name of the candidate for whom he votes.
- (3) When only one candidate is to be elected and there are more than 2 candidates, the elector shall mark his vote on the ballot paper by placing the numeral 1 opposite the name of the candidate for whom he votes as his first preference, and he shall give contingent votes for all the remaining candidates by placing the numerals 2, 3 and so on (as the case requires)

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opposite their names, so as to indicate by such numerical sequence the order of his preference.

- (4) When 2 candidates are to be elected, the elector shall mark his vote on the ballot paper by placing the numeral 1 opposite the name of the candidate for whom he votes as his first preference and the numeral 2 opposite the name of the candidate for whom he votes as his second preference, and he shall give contingent votes for all the remaining candidates by placing the numerals 3, 4 and so on (as the case requires) opposite their names, so as to indicate by such numerical sequence the order of his preference.

15. Ballot papers

- (1) The returning officer shall keep a locked and sealed ballot box, marked with the words "Potato Marketing Corporation Ballot Box", and, when the envelope containing the ballot paper and the statement is received by him from an elector, he shall open the outer envelope and extract the statement and the sealed envelope containing the ballot paper.
- (2) He shall examine the statement and satisfy himself that it is in order and that the elector who signed the statement is enrolled on the electoral roll and entitled to vote.
- (3) Where he is so satisfied, he shall place the statement in some place of security for safe keeping and shall immediately place the envelope containing the ballot paper unopened in the ballot box until the close of the poll.
- (4) If, upon examining the statement, the returning officer is not satisfied that the statement is in order, or that the person who signed it is enrolled on the electoral roll and entitled to vote, he shall retain the statement and the envelope containing the ballot paper unopened in a safe place and at once notify that person in writing that his ballot paper has not been accepted for the reasons to be stated in the notice.
- (5) If, before the closing of the poll, a voter who has received notice as provided for in subregulation (4) satisfies the returning

officer that he is an elector and entitled to vote at the election, the returning officer shall forthwith place the sealed envelope containing the voter's ballot paper unopened in the ballot box until the closing of the poll.

- (6) If a voter who has received notice as provided for in subregulation (4) fails to satisfy the returning officer in the manner required by subregulation (5), the returning officer shall reject the ballot paper received from the voter.
- (7) Upon such rejection he shall endorse on the envelope containing the ballot paper the word "Rejected", and sign it, and then place the envelope unopened in some place of security for safe keeping until after the election.

[Regulation 15 amended: Gazette 1 Sep 1995 p. 4064.]

16. Scrutineers

- (1) Each candidate at an election shall be entitled to appoint, in writing, one scrutineer to be present when the envelopes containing ballot papers relating to the election are being opened at the commencement of the scrutiny and to remain during the scrutiny.
- (2) Every scrutineer shall, before he acts, make and sign, before the returning officer a declaration in accordance with Form 5 in Schedule 1.

17. The scrutiny

- (1) The counting of the votes cast at an election shall be carried out by the returning officer, in the presence of the scrutineers, at the office of the returning officer, and shall not commence until after 4.00 pm on the election day.
- (2) The returning officer may from time to time adjourn the scrutiny to a day and hour fixed by him and notified to the scrutineers.
- (3) The returning officer may appoint any officers he considers necessary to assist in the conduct and count of an election.

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- (4) Subject to this regulation the method of conducting the count shall be the same as that prescribed under the *Electoral Act 1907*, for the counting of the votes taken at an election of members of the Legislative Assembly except that —
- (a) where 2 candidates are to be elected the count of the votes will proceed until one candidate has received an absolute majority, when he shall be declared elected;
 - (b) the first elected candidate shall then be eliminated from the count, and to proceed with the election of the second candidate, all the ballot papers, including those which have been set aside as exhausted, shall be brought into operation and again sorted into first preference votes;
 - (c) the first preference votes of the eliminated successful candidate shall be distributed according to the second preference markings to the remainder of the candidates, and when added to their respective first preference votes shall constitute the first count for the second candidate; and
 - (d) the procedure from then on shall be the same as in the counting of votes for the election of one candidate.
- (5) Votes shall not be informal except where specified in these regulations.
- (6) As soon as practicable after the closing of the poll, the returning officer shall, in the presence of the scrutineers —
- (a) open the ballot box and remove the envelopes containing the ballot papers;
 - (b) open the envelopes containing the ballot papers and extract the ballot papers;
 - (c) examine every ballot paper and satisfy himself that each ballot paper is endorsed with the authorised officer's initials and decide whether the ballot paper is formal or informal; and
 - (d) count all formal ballot papers and reject all informal ballot papers.

- (7) The returning officer shall be the sole and final judge as to whether a ballot paper is informal.
- (8) Any candidate may attend and be present at the counting of the votes.

18. Informal ballot papers

- (1) A ballot paper shall be informal —
 - (a) if it is not initialed by the returning officer or the other officer authorised in that behalf;
 - (b) if, subject to this regulation, it is marked in any other manner than prescribed in regulation 14; or
 - (c) if it has upon it any mark or writing not authorised by these regulations, which in the opinion of the returning officer will enable any person to identify the elector; or
 - (d) if it does not indicate the elector's vote, or, if when there are more than 2 candidates it is not marked so as to effectively indicate the elector's preference as regards all candidates; or
 - (e) if no mark is indicated on it.

A ballot paper shall not be informal for any reason other than the reasons stated in subregulation (1), but shall be given effect to according to the elector's intention so far as his intention is clear, and, in particular when only one candidate is to be elected and there are only 2 candidates, a ballot paper shall not be informal by reason only of the elector having indicated his vote or first preference by a mark instead of the numeral 1.

19. Returning officer to declare election result

When the returning officer has completed the counting of the votes, he shall declare the result of the election in the presence of the scrutineers and of any candidates who may be present at the time.

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20. Returning officer to issue certificate

- (1) When the result of an election has been ascertained and declared, the returning officer shall forthwith furnish to the Corporation a certificate of the result in accordance with Form 6 in Schedule 1, and state the names, addresses, and occupations of the candidates who have been elected, and the certificate, when received by the Corporation, shall be final and conclusive evidence of the election of the candidates as members of the Corporation.
- (2) After the receipt by the Corporation from the returning officer of the certificate mentioned in subregulation (1), the Corporation shall cause a copy to be published in the *Government Gazette*, and a newspaper published in Perth.

[Regulation 20 amended: Gazette 1 Sep 1995 p. 4064.]

21. Electors shall be commercial producers

Where any person whose name appears on the electoral roll to be used at any election has since enrolment ceased to be a commercial producer that person shall not be entitled to vote at any election held subsequently to his ceasing to be a commercial producer merely because his name appears as an elector on the electoral roll, and in any case the returning officer, upon it coming to his knowledge that the person is no longer a commercial producer shall cause his name to be struck off the roll.

22. Ballot papers retained for 3 months

The returning officer shall retain all ballot papers and statements received by him in connection with any election held under these regulations until the expiration of 3 months after the declaration of the result of the election, and may then cause the ballot papers to be destroyed.

23. Costs of an election

For the purposes of section 8(2) of the Act all costs, charges, and expenses as incurred by the returning officer in connection with the publication of notices, the receipt of nominations of candidates for election, preparation of electoral rolls, and the conduct of elections, including any fee that may be allowed, or in connection with any other matters incidental thereto and as certified in writing by the returning officer, and communicated by the returning officer to the Corporation, shall be paid by the Corporation or reimbursed to the returning officer by the Corporation out of moneys from time to time in its hands and the Corporation may at its own expense have the accounts of the returning officer audited by the Auditor General, whose decision shall be final as between the parties concerned.

[Regulation 23 amended: Gazette 1 Sep 1995 p. 4064 and 4065.]

24. Offences

Any person who, not being entitled to be enrolled as an elector for the purpose of an election held under the Act makes a claim to be enrolled, and any person who makes any statement which is to his knowledge false in any application for enrolment, or in any statement accompanying a ballot paper verifying the voter's right to vote, shall be guilty of an offence.

[Regulation 24 amended: Gazette 1 Sep 1995 p. 4065.]

Part III — Remuneration of members

[Heading inserted: Gazette 1 Sep 1995 p. 4065.]

25. Members' remuneration

Members of the Corporation shall be entitled to, and be paid, remuneration and expenses in accordance with such recommendations of the Corporation as may be approved by the Public Sector Commissioner.

*[Regulation 25 inserted: Gazette 1 Sep 1995 p. 4065;
amended: Gazette 11 Feb 2011 p. 504.]*

[26-28. Deleted: Gazette 1 Sep 1995 p. 4065.]

Part IV — Function, authorities and duties of inspectors

29. Inspector may enter upon land

Any inspector may at all reasonable times enter upon any land or premises on which potatoes are produced, stored, graded, packed or otherwise treated and may —

- (a) measure and record the area planted with potatoes;
- (b) inspect any records or accounts in relation to the production or sale of potatoes;
- (c) inspect any stocks of potatoes or potato containers; and
- (d) where in the opinion of an inspector, these regulation are not being complied with, he may —
 - (i) take notes, copies, extracts or impound the records and accounts referred to in paragraph (b); and
 - (ii) take samples of, or impound and cause to be taken before a justice, any stocks of potatoes or potato containers.

[Regulation 29 amended: Gazette 1 Sep 1995 p. 4065.]

30. Inspector may supervise grading and packing

Any inspector may enter upon land or premises on which potatoes are produced, stored, graded, packed or otherwise treated and may there examine and supervise the grading and packing of ware potatoes.

[Regulation 30 amended: Gazette 1 Sep 1995 p. 4065.]

31. Persons to state name of consignor or supplier

A person carrying on any business or employed on the land or premises in which potatoes are sold or offered for sale, produced, held, stored, graded, packed or otherwise treated shall if requested so to do by a person, an inspector, or in writing by

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any other officer or employee of the Corporation, state in writing the name and address of the person from whom those potatoes were purchased, consigned, or supplied or produce any sales docket, delivery note, consignment advice or other document disclosing that information.

[Regulation 31 amended: Gazette 1 Sep 1995 p. 4066.]

32. Identification of inspectors

A person appointed to be an inspector shall wear, or bear and display on demand, a certificate of appointment in the form of Form 1 in Schedule 2.

[Regulation 32 inserted: Gazette 1 Sep 1995 p. 4066.]

33. Infringement notices

- (1) An infringement notice under section 40 of the Act shall be in the form of Form 2 in Schedule 2.
- (2) The offences prescribed for the purpose of section 40 are set out in the first and second column of Schedule 3 and the amount appearing in the final column of that Schedule, directly opposite an offence, is the prescribed modified penalty in respect of that offence if dealt with under that section.
- (3) A prescribed form of notice for withdrawing an infringement notice under section 40(6) shall be in the form of Form 3 in Schedule 2.

[Regulation 33 inserted: Gazette 1 Sep 1995 p. 4066.]

Part V — Registration, area licensing, entitlements and permits

[Heading inserted: Gazette 1 Sep 1995 p. 4067.]

34. Registration of the business of a commercial producer

- (1) The chief executive officer shall cause a register to be kept by the Corporation of all businesses registered under the Act as being commercial producers.
- (2) An application for the registration of a business under the Act shall be made in the form of Form 4 in Schedule 2.
- (3) The certificate of registration of a business shall be in the form of Form 5 in Schedule 2.
- (4) An application for approval to the transfer of the registration of a business shall be in the form of Form 6 in Schedule 2.
- (5) Approval by the Corporation to the transfer of a registration shall be signified by the grant of a revised certificate of registration.

[Regulation 34 inserted: Gazette 1 Sep 1995 p. 4067.]

35. Area licences

- (1) The chief executive officer shall cause a record to be kept by the Corporation of all area licences issued under the Act.
- (2) An application for an area licence under the Act shall be made in the form of Form 7 in Schedule 2.
- (3) An area licence shall be in the form of Form 8 in Schedule 2.
- (4) An application for approval to the transfer of an area licence shall be in the form of Form 9 in Schedule 2.
- (5) Approval by the Corporation to the transfer of an area licence shall be signified by the issue of a revised area licence.

[Regulation 35 inserted: Gazette 1 Sep 1995 p. 4067.]

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36. Substitution of the place to which a registration or area licence relates

- (1) Where the operation of a particular registration or an area licence relates to a particular place a person who seeks to have its operation relate to some other place may apply in writing to the Corporation.
- (2) The authorisation by the Corporation of the operation of a registration or area licence having effect in relation to a place other than that to which it purports to relate shall be signified by the grant of a revised certificate of registration or the issue of a revised licence, which may include revised conditions.

[Regulation 36 inserted: Gazette 1 Sep 1995 p. 4067.]

37. Domestic market entitlements

- (1) The chief executive officer shall cause a record to be kept by the Corporation of all domestic market entitlements allocated.
- (2) The certificate as to the domestic market entitlement allocated to a registered business shall be in the form of Form 10 in Schedule 2.
- (3) An application for approval to the transfer of a domestic market entitlement allocated to a business shall be in the form of Form 11 in Schedule 2.
- (4) Approval by the Corporation to the transfer of a domestic market entitlement shall be signified by the grant of a revised certificate.

[Regulation 37 inserted: Gazette 1 Sep 1995 p. 4068.]

38. Permits

- (1) The chief executive officer shall cause a record to be kept by the Corporation of all permits granted under section 25 of the Act.

- (2) An application for the grant of a permit to a grower shall be made, in respect of the appropriate purpose, in the form of Form 12 in Schedule 2.
- (3) A permit shall be granted, in respect of the appropriate purpose, in the form of Form 13 in Schedule 2.

[Regulation 38 inserted: Gazette 1 Sep 1995 p. 4068.]

[39. *Deleted: Gazette 1 Sep 1995 p. 4067.]*

Part VI — Grading and packing standards

Division 1 — Preliminary

40. Interpretation

For the purposes of this Part and any grade standards set by the Corporation, unless the contrary intention appears the following terms when applied to potatoes have the meaning respectively set out —

abnormal external moisture means distinctly wet (but does not include condensation following release from cold storage);

bright means that the skin has a natural bloom and is not disfigured;

brushed means potatoes which have been subjected to a dry brushing treatment removing most of the soil adhering to the potatoes;

class means the quality grade into which potatoes are classified;

clean means practically free from soil or other foreign matter either on the surface of the potato or present in the package;

disorder means any abnormal physiological condition which effects the potatoes internally or externally;

firm means the potatoes must have retained their turgescence with the skin tight and the flesh resistant to slight thumb pressure;

mature means that the skin covers the whole surface and during ordinary processes of handling does not loosen or feather readily (with the exception of new potatoes), ***immature*** has the contrary meaning;

sound means not soft or wilted, practically free from damage by pest and disease, free from rots, excessive bruising or physical injuries both internal or external likely to affect the keeping qualities of the potatoes;

variety means that the potatoes are distinguishable by visual characteristics;

washed means potatoes which have been subjected to washing treatment which removes practically all the soil from the potatoes;

well shaped means that the potato has the normal shape for the variety;

whole means that the potatoes are intact.

[Regulation 40 amended: Gazette 1 Sep 1995 p. 4068.]

41. Application

This Part does not apply —

- (a) to potatoes purchased by or delivered to a potato product manufacturer or potato exporter;
- (b) where potatoes are sold, or offered for sale, for use as seed for the propagation of ware potatoes; or
- (c) to potatoes other than ware potatoes.

[Regulation 41 inserted: Gazette 1 Sep 1995 p. 4068.]

[Heading deleted: Gazette 18 Mar 2008 p. 865.]

Division 2 — Standards to be set by the Corporation

[Heading inserted: Gazette 1 Sep 1995 p. 4069.]

42. Corporation shall cause notice to be published in *Gazette*

The Corporation shall, by notice published in the *Gazette* and in its newsletter, set standards in respect of —

- (a) the condition in which ware potatoes to be delivered to the Corporation or its agents must be in order for the delivery not to be refused;
- (b) the requirements ware potatoes must meet to be graded in any particular class as to —
 - (i) quality; and
 - (ii) size,and the tolerances permitted; and

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Part VI Grading and packing standards

Division 3 Presentation of ware potatoes for sale

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(c) packaging.

[Regulation 42 inserted: Gazette 1 Sep 1995 p. 4069.]

[Headings deleted: Gazette 18 Mar 2008 p. 865.]

[43-50. Deleted: Gazette 1 Sep 1995 p. 4069.]

Division 3 — Presentation of ware potatoes for sale

[Heading inserted: Gazette 1 Sep 1995 p. 4069.]

51. Presentation of produce

- (1) Every package of ware potatoes offered for sale, whether wholesale or retail, shall be filled and packed in a manner which will allow the potatoes to withstand handling and transport.
- (2) Each package or lot shall contain only potatoes of the same variety, quality and degree of maturity.
- (3) Any potatoes that are visible in the package shall be representative of the contents of that package.

[Regulation 51 amended: Gazette 1 Sep 1995 p. 4069.]

52. Packaging materials

Any form of packaging used to present ware potatoes offered for sale, whether wholesale or retail, shall be —

- (a) new, except for bulk bins and returnable crates;
- (b) clean;
- (c) practically free from soil and other foreign matter; and
- (d) of a quality, design and construction suitable for protecting the potatoes.

[Regulation 52 amended: Gazette 1 Sep 1995 p. 4069-70.]

53. Trade description

- (1) Any person who offers for sale, whether wholesale or retail, ware potatoes which are packed, or are repackaged, shall ensure

that those potatoes are marked, either on the packaging or by way of a label, with the description “POTATOES” and with —

- (a) the name of the variety;
 - (b) the class and size or size range;
 - (c) the net mass of potatoes in the package;
 - (d) the name of the packer of the potatoes or the code of the packer as registered with the Corporation; and
 - (e) the date on which the package was packed.
- (2) The information required under subregulation (1) shall be marked in characters not less than 5 millimetres high.

[Regulation 53 amended: Gazette 22 Sep 1989 p. 3498; 1 Sep 1995 p. 4064 and 4070.]

[54.] *Deleted: Gazette 1 Sep 1995 p. 4070.]*

Division 4 — Offences

[Heading inserted: Gazette 1 Sep 1995 p. 4070.]

55. Grading, sizing and packaging of ware potatoes

Unless those potatoes are to be purchased by or delivered to the Corporation or an agent on behalf of the Corporation, a person who packs, or who causes to be packed, any ware potatoes —

- (a) to which this Part applies; and
- (b) which are for sale, whether wholesale or retail; and
- (c) not graded, sized, packaged, and marked in accordance with the requirements of this Part,

commits an offence.

Penalty: \$5 000.

[Regulation 55 inserted: Gazette 1 Sep 1995 p. 4070.]

Part VII — Seed potatoes

[Heading inserted: Gazette 1 Sep 1995 p. 4071.]

56. Seed potato sales

A commercial producer who sells potatoes as seed potatoes shall furnish, within 7 days of the end of each calendar month, to the Corporation a return in the form of Form 14 in Schedule 2.

[Regulation 56 inserted: Gazette 1 Sep 1995 p. 4071.]

57. Seed potato production

Potatoes purporting to be propagated for use as seed, whether or not intended for the growing of ware potatoes, are potatoes —

- (a) the production of which is to be monitored and may be regulated under the Act; and
- (b) to which the provisions of Part VIII apply.

[Regulation 57 inserted: Gazette 1 Sep 1995 p. 4071.]

Part VIII — Planting, harvesting and delivery

[Heading inserted: Gazette 1 Sep 1995 p. 4071.]

58. Planting declarations

A commercial producer who plants potatoes shall, within 7 days of the last planting date to which the relevant area licence relates, furnish to the Corporation a declaration in the form of Form 15 in Schedule 2.

[Regulation 58 inserted: Gazette 1 Sep 1995 p. 4071.]

59. Notice of intention to harvest

A commercial producer who intends to harvest potatoes shall, not later than 7 days before commencing to harvest, furnish to the Corporation a notice of intention in the form of Form 16 in Schedule 2.

[Regulation 59 inserted: Gazette 1 Sep 1995 p. 4071.]

60. Notice of harvest and delivery

Where potatoes are harvested by a commercial producer that grower shall, within 7 days of the completion of the harvest, furnish to the Corporation a notice of harvest and delivery in the form of Form 17 in Schedule 2.

[Regulation 60 inserted: Gazette 1 Sep 1995 p. 4071.]

61. Notice of deliveries received

A potato product manufacturer or potato exporter receiving potatoes shall, within 7 days of receipt of those potatoes, furnish to the Corporation a notice of receipt in the form of Form 18 in Schedule 2.

[Regulation 61 inserted: Gazette 1 Sep 1995 p. 4071.]

62. Consignment advices, and prescribed information

- (1) The grower shall cause any potatoes sold or delivered by that grower to be accompanied by a consignment advice in the form of Form 19 in Schedule 2.
- (2) A person, other than the Corporation or an agent authorised to act on behalf of the Corporation, who deals in potatoes as owner or agent, or is concerned in the transport or handling of potatoes, or otherwise has the custody of potatoes, in a quantity exceeding 50 kilograms in weight, shall furnish to an inspector on demand —
 - (a) a relevant consignment advice; or
 - (b) a sales docket or delivery note which —
 - (i) identifies those potatoes by reference to the number of bins, quantity by weight or specific packaging;
 - (ii) specifies the variety of potato;
 - (iii) specifies from where the potatoes were obtained, by reference to the area licence and the registered business name under these regulations of the commercial producer concerned;
 - (iv) identifies the relevant consignment advice which related to those potatoes as sold or delivered by the grower;
 - (v) if the potatoes are to be sold or delivered to a wholesale merchant, potato product manufacturer or potato exporter, specifies the relevant business;
 - (vi) if the potatoes are to be sold or delivered for any use other than sale to a wholesaler, manufacture or export, specifies the use and identifies the user;
 - (vii) identifies any agent concerned; and
 - (viii) identifies the carrier and the vehicle.

- (3) A person consigning any potatoes which are not accompanied by a relevant consignment advice shall cause those potatoes to be accompanied by a sales docket or delivery note containing the information required to be furnished under subregulation (2).
- (4) A person who contravenes or fails to comply with subregulation (1), (2) or (3) commits an offence.
Penalty: \$5 000.

[Regulation 62 inserted: Gazette 1 Sep 1995 p. 4071-2.]

62A. Sale or transaction in respect of which an exemption under section 25(3) may be granted

Sales or transactions where a grower sells or delivers potatoes to a potato product manufacturer or a potato exporter, and those potatoes are —

- (a) the subject of an area licence and of a permit to sell;
- (b) delivered in bulk containers of a capacity exceeding 5 tonnes; and
- (c) grown within 100 kilometres of the point of delivery,

are prescribed under section 25(3)(d) of the Act.

[Regulation 62A inserted: Gazette 17 Jan 1997 p. 405-6.]

63. Certificate of refusal

A certificate of refusal for the purposes of section 23(2) of the Act shall be in the form of Form 20 in Schedule 2.

[Regulation 63 inserted: Gazette 1 Sep 1995 p. 4072.]

64. Notice of claim

A notice of claim for the purposes of section 34(3) of the Act shall be in the form of Form 21 in Schedule 2.

[Regulation 64 inserted: Gazette 1 Sep 1995 p. 4072.]

65. Notice of security

A notice of particulars as to a security for the purposes of section 35(1) of the Act shall be —

- (a) when given by the grower, in the form of Form 22; or
- (b) when given by the person entitled to the benefit of the security, in the form of Form 23,

in Schedule 2.

[Regulation 65 inserted: Gazette 1 Sep 1995 p. 4073.]

Part IX — Agents

[Heading inserted: Gazette 1 Sep 1995 p. 4073.]

66. Primary Potato Agents

- (1) Subject to any direction given on behalf of the Corporation, the functions of a person appointed by the Corporation to act as a Primary Potato Agent shall be —
 - (a) to receive applications for any —
 - (i) registration of a potato growing business;
 - (ii) potato growing area licence;
 - (iii) transfer of registration, area licence or domestic market entitlement; or
 - (iv) permit under section 25 of the Act,and, having ensured the accuracy of the information in the application, to forward it to the Corporation promptly;
 - (b) to collect any —
 - (i) planting declaration;
 - (ii) notice of intention to harvest;
 - (iii) notice of harvest and delivery; or
 - (iv) details of seed sales to growers,and to ensure the accuracy of the information and to forward the documents to the Corporation promptly;
 - (c) to assist growers in the transfer of any registration, area licence or domestic market entitlement;
 - (d) to issue to growers the prescribed forms to be used as consignment advices for deliveries of potatoes;
 - (e) to liaise between the Corporation and growers, as required by the Corporation;
 - (f) to assist growers with seed potato purchases and sales;
 - (g) to collect levies and charges and forward them to the Corporation;

Marketing of Potatoes Regulations 1987

Part IX Agents

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- (h) for ware potatoes, to —
 - (i) submit weekly offers of potatoes to the Corporation;
 - (ii) notify growers of delivery quotas;
 - (iii) arrange consignment of the potatoes;
 - (iv) supervise deliveries;
 - (v) forward consignment details to the Corporation;
 - (vi) forward weekly delivery advices to the Corporation; and
 - (vii) report to and advise the Corporation of details of ware potato crops.
- (2) The Agent shall promptly transmit to growers such notices as the Corporation may direct and, as far as possible, ensure that directions of the Corporation are given effect to.
- (3) The Agent shall —
 - (a) keep such books and records as and in the form that the Corporation may require;
 - (b) promptly transmit such copies or extracts as the Corporation may request; and
 - (c) at all times, permit the Corporation or its nominees to inspect and take copies of all such books and records.
- (4) It is a condition of every appointment as a Primary Potato Agent that the appointee shall not, unless specifically so authorised in terms of a separate appointment, —
 - (a) sell ware potatoes —
 - (i) to wholesale merchants;
 - (ii) as a wholesale merchant, unless appointed by the Corporation as a wholesale merchant; or
 - (iii) to retailers or consumers;

or

- (b) import potatoes from any other State of the Commonwealth.

[Regulation 66 inserted: Gazette 1 Sep 1995 p. 4073-4.]

67. Wholesale Potato Merchant (Packing and Grading)

- (1) Subject to any direction given on behalf of the Corporation, the functions of a person appointed by the Corporation to act as its agent in the capacity of a Wholesale Potato Merchant (Packing and Grading) shall be —
 - (a) to receive delivery of ware potatoes from registered and licensed growers;
 - (b) to undertake washing, brushing, grading and packing of ware potatoes in accordance with such directions as may be issued by the Corporation from time to time;
 - (c) to maintain records on a daily basis of all potatoes received, washed, brushed, graded and packed, clearly indicating —
 - (i) the name of the grower of each consignment;
 - (ii) the variety and weight of potatoes received from each grower;
 - (iii) the number of the consignment advice accompanying those potatoes; and
 - (iv) the weight of each grade or grades into which each consignment from every grower is packed;and
 - (d) to submit to the Corporation, on a daily basis, packout statements for each consignment of potatoes washed, brushed and graded.
- (2) The Agent shall permit the Corporation and its inspectors to supervise the grading of any and all potatoes washed, brushed and packed.

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- (3) The Agent shall —
- (a) keep such books and records as and in the form that the Corporation may require;
 - (b) promptly transmit such copies or extracts as the Corporation may request; and
 - (c) at all times, permit the Corporation or its nominees to inspect all such books and records.
- (4) It is a condition of every appointment as a Wholesale Potato Merchant (Packing and Grading) that the appointee shall not, unless specifically so authorised in terms of a separate appointment —
- (a) sell or otherwise dispose of ware potatoes —
 - (i) other than to Wholesale Potato Merchants (Distributors);
 - (ii) to a Wholesale Potato Merchant (Distributor), unless appointed by the Corporation as a wholesale merchant; or
 - (iii) to retailers or consumers;or
 - (b) import potatoes from any other State of the Commonwealth.
- (5) The Agent shall at all times comply with such guidelines as may be established by the Corporation from time to time as to the standards of machinery, buildings and fixtures, storage and access.

[Regulation 67 inserted: Gazette 1 Sep 1995 p. 4074-5.]

68. Wholesale Potato Merchant (Distributor)

- (1) Subject to any direction given by or on behalf of the Corporation, the functions of a person appointed by the Corporation to act as its agent in the capacity of a Wholesale Potato Merchant (Distributor) shall be —
- (a) to take delivery of ware potatoes from —

- (i) the Corporation;
 - (ii) another appointed Wholesale Potato Merchant (Distributor); or
 - (iii) any appointed Wholesale Potato Merchant (Grading and Packing);
 - (b) to sell or otherwise dispose of potatoes to —
 - (i) retailers of potatoes, for retail sale;
 - (ii) persons who require potatoes for use in providing meals for customers, employees or guests;
 - (iii) the inmates of an institution; or
 - (iv) potato product manufacturers, or potato exporters;and
 - (c) to maintain records on a daily basis of all potatoes accepted, clearly indicating —
 - (i) the name of the supplier of each consignment;
 - (ii) the variety and weight of each consignment;
 - (iii) the number of the consignment advice originally accompanying those potatoes; and
 - (iv) the weight of each grade or grades into which each consignment had been packed.
- (2) The Agent shall —
- (a) keep such books and records as and in the form that the Corporation may require;
 - (b) promptly transmit such copies or extracts as the Corporation may request; and
 - (c) at all times, permit the Corporation or its nominees to inspect all such books and records.
- (3) It is a condition of every appointment as a Wholesale Potato Merchant (Distributor) that the appointee shall not, unless specifically so authorised in terms of a separate appointment, —

Marketing of Potatoes Regulations 1987

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- (a) sell or otherwise dispose of ware potatoes to the public at large;
- (b) import potatoes from any other State of the Commonwealth; or
- (c) accept delivery of potatoes from growers.

[Regulation 68 inserted: Gazette 1 Sep 1995 p. 4075-6.]

69. Persons may deal with the Corporation through Agents

It shall be sufficient compliance with a requirement of the Act or these regulations if a person who is required to apply to or deal with the Corporation applies to or deals with an agent authorised to act on behalf of the Corporation.

[Regulation 69 inserted: Gazette 1 Sep 1995 p. 4076.]

Part X — General

[Heading inserted: Gazette 1 Sep 1995 p. 4077.]

70. Reserve fund

For the purposes of section 30(3) of the Act —

- (a) the portion that may be deducted shall not exceed 3%, as the Corporation may from time to time determine; and
- (b) the reserve fund shall be maintained for the purpose of —
 - (i) market research and development; and
 - (ii) research into matters related to the production, transport, handling, treatment, washing and packing of potatoes; and
 - (iii) making payments to growers so that, in the opinion of the Corporation, a fair return is made to growers when unusual market conditions prevail; and
 - (iv) making payments to growers as an incentive to grow in winter growing periods.

[Regulation 70 inserted: Gazette 1 Sep 1995 p. 4077; amended: Gazette 17 Jan 1997 p. 406; 18 Mar 2008 p. 866.]

71. False statements

A person who knowingly makes a false statement in or in relation to any application or other document required under these regulations commits an offence.

Penalty: \$5 000.

[Regulation 71 inserted: Gazette 1 Sep 1995 p. 4077.]

Marketing of Potatoes Regulations 1987

Part X General

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72. General penalty

A person who contravenes or fails to comply with any provision of these regulations commits an offence and is liable, where no other penalty is expressly provided, to a penalty of \$2 000.

[Regulation 72 inserted: Gazette 1 Sep 1995 p. 4077.]

Schedule 1

Forms for elections

Form 1

(Reg 9(2)(a))

Marketing of Potatoes Act 1946

NOMINATION FORM

We, (a), of (b), in the State of Western Australia, (c), and (d), of (b), in the State of Western Australia (c), being electors duly enrolled upon the electoral roll of commercial producers, do hereby, as proposer and seconder respectively, nominate (e), of (f), in the State of Western Australia, (g), as a candidate for election under section 8(1) of the *Marketing of Potatoes Act 1946*, as an elective member of the Potato Marketing Corporation of Western Australia, for the purpose of the election to be held on, 20....., for the election of elective members of the Corporation under the Act.

Dated, 20.....

(h) Proposer.

(i) Seconder.

I, (e), consent to the above nomination, and state that I am a person eligible for nomination within the meaning of the Act for the following reasons, namely —

(j)
.....

Dated, 20.....

(k) Candidate.

(a) Full name of proposer; (b) address; (c) occupation; (d) full name of seconder; (e) full name of candidate; (f) his address; (g) his occupation; (h) signature of proposer; (i) signature of seconder; (j) here state grounds upon which the candidate claims to be eligible for nomination as a candidate; (k) signature of candidate.

Form 2

(Reg 9(6))

Marketing of Potatoes Act 1946

**CERTIFICATE OF ELECTION OF CANDIDATE UNDER
REGULATION 9(6)**

To: The Potato Marketing Corporation of Western Australia:

I, (a), being the Returning Officer duly appointed under and for the purposes of the regulations made under the *Marketing of Potatoes Act 1946*, do hereby certify —

- (1) That in connection with the nomination of candidates for election as Members of the Potato Marketing Corporation of Western Australia received up to 12 o'clock noon on (b), 20..... being the last day for the nomination of candidates for the election to be held on, 20....., under section 8(1) of the Act the following candidate (or candidates) was (or were) nominated, namely —
(c)
- (2) That the nomination form (or forms) of the candidate (or candidates) was (or were) in order as required by the regulations; that the candidate (or candidates) was (or were) eligible for nomination and election, and that the persons who signed the nomination form (or forms) as proposer and seconder were entitled so to sign the same.
- (3) That the number of candidates nominated did not exceed the number of candidates to be elected as Members of the Potato Marketing Corporation of Western Australia; and
- (4) That (d) is (or are) the person (or persons) now elected as elective members as required by the Act for appointment by the Governor as a member (or members) of the Corporation.

Dated, 20

.....
Returning Officer.

(a) Full name of Returning Officer; (b) the last day for receiving nominations of candidates; (c) set out the full name, address and occupation of each candidate; (d) full name of each candidate.

Form 3

(Reg 10(1))

Marketing of Potatoes Act 1946

BALLOT PAPER

For use in an election of (a) person (or persons) to be elected as the elective member (or members) of the Potato Marketing Corporation of Western Australia under section 8(1) of the Act.

The ballot paper marked and completed in accordance with these directions must be received by the Returning Officer not later than 4 pm on (b) , 20.....

	Names of Candidates (in alphabetical order).	Vote (in order of preference).
(c)	<input type="checkbox"/>
	<input type="checkbox"/>
	<input type="checkbox"/>
	<input type="checkbox"/>
	<input type="checkbox"/>

Directions for Voting

(1) Voting shall be by means of a preferential ballot.

(2) The elector shall mark his vote on the ballot paper by placing in the column headed "Vote" the numeral 1 opposite the name of the candidate for whom he votes as his first preference, by placing in the column the numeral 2 opposite the name of the candidate for whom he votes as his second preference and he shall give contingent votes for all the remaining candidates by placing the numerals 3, 4, and so on (as the case requires) opposite their names so as to indicate by the numerical sequence the order of his preference.

(3) The elector shall then place the ballot paper in the envelope marked "Ballot Paper Envelope" and seal the envelope.

(4) The elector shall then sign and complete Form 4.

Marketing of Potatoes Regulations 1987
Schedule 1 Forms for elections

(5) The elector shall then place the ballot paper envelope sealed and Form 4 in the envelope addressed to the Returning Officer, and send the envelope by prepaid post or deliver the envelope to the Returning Officer.

(6) The envelope, addressed to the Returning Officer, with its contents, must be received by the Returning Officer before the time fixed for the closing of the poll as notified above, otherwise the envelope and the ballot paper will be rejected.

- (a) one or 2 as the case may be;
- (b) the day fixed for the closing of the poll;
- (c) insert full names of candidates in alphabetical order.

Form 4

(Reg 11(1))

Marketing of Potatoes Act 1946

STATEMENT BY ELECTOR TO ACCOMPANY BALLOT PAPER

I, (a), of (b), in the State of Western Australia, (c) hereby submit the following facts in verification of my right to vote, according to the accompanying ballot paper.

- (1) I am an elector duly enrolled on the electoral roll of commercial producers and am still a commercial producer within the meaning of the Act.
- (2) That as an elector I am entitled to vote in the election now being held and closing at 4.00 pm on the (d), 20....., for the election of (e) person (or persons) as the elective member (or members) of the Potato Marketing Corporation of Western Australia.
- (3) That I have not voted previously in this election.
- (4) That I make this statement with the full knowledge of the fact that if it is wilfully false in any particular I am liable to a penalty under the regulations not exceeding the sum of \$200.

.....
(Signature of Elector)

(a) Full name of elector; (b) address; (c) occupation; (d) date of election; (e) one or 2, as the case may be.

Form 5

(Reg 16(2))

Marketing of Potatoes Act 1946

DECLARATION BY SCRUTINEER

I, (full name), of (address),
declare that I will faithfully and impartially, according to the best of my skill
and judgment, carry out the duties required of me as a Scrutineer, in connection
with the election of elective members to the Potato Marketing Corporation of
Western Australia, and I further declare that I will not attempt to ascertain how
any person shall vote or has voted, and that if in the discharge of my duties at or
concerning the election I learn how any person has voted, I will not by word or
act directly or indirectly divulge or discover or aid in divulging or discovering
the information.

Signature

Declared before me at this day of....., 20.....

.....
Returning Officer.

Form 6

(Reg 20(1))

Marketing of Potatoes Act 1946

**CERTIFICATE BY RETURNING OFFICER OF RESULT
OF AN ELECTION**

I, (a), Returning Officer duly appointed under the *Marketing of Potatoes Act 1946*, certify as follows —

(1) That in accordance with the Act I have held an election, which closed at 4 pm on (b)....., 20....., for the election of (c)..... person (or persons) as the elective member (or members) of the Potato Marketing Corporation of Western Australia under section 8(1) of the Act.

(2) That the candidates at the election were —

.....
.....
.....

(3) That the voting resulted as follows —

(1) On the first count:

(e)
.....
.....

(2) On the second count:

(e)
.....
.....

(3) On the third count:

(e)
.....
.....

(4) On the final count:

(e)
.....
.....

Marketing of Potatoes Regulations 1987
Schedule 1 Forms for elections

- (4) That as the result of the voting (f) was (or were) duly elected as the person (or persons) to be the elective member (or members) of the Potato Marketing Corporation of Western Australia.
- (5) That I declare (f) to have been duly elected as the elective member (or members) on the (g), 20.....
- (6) As the result of the election (f) is (or are) now the elective member (or members) as required by the Act for appointment by the Governor as a member (or members) of the Corporation.
- (7) That the following is a statistical return of the voting at the election —
- Total number of electors on roll
 - Number of electors who voted
 - Number of formal votes counted
 - Number of votes rejected —
 - (a) for informality of ballot paper
 - (b) received after close of poll
 - (c) insufficient postage

Dated, 20.....

(h)
Returning Officer.

(a) Full name of Returning Officer; (b) date fixed for closing of poll; (c) one or 2, as the case may be; (d) set out the full names, addresses, and occupations of all the candidates in alphabetical order; (e) set out the names of the candidates, with the number of votes gained by them; (f) set out the name of one candidate, or if 2 required, the 2 candidates elected; (g) date of declaration of the result of the poll; (h) signature of Returning Officer.

[Schedule 1 amended: Gazette 1 Sep 1995 p. 4063-4.]

Schedule 2
Prescribed forms

Form 1

[Reg. 32]

Marketing of Potatoes Act 1946

CERTIFICATE OF APPOINTMENT AS INSPECTOR

This is to certify that

(Full name of person appointed)

has been appointed by the Potato Marketing Corporation of Western Australia
as an inspector under the *Marketing of Potatoes Act 1946*.

.....
Chief Executive Officer to the Corporation.

Dated

Marketing of Potatoes Regulations 1987
Prescribed forms **Schedule 2**

If within 28 days from the Date of Issue you do not pay the penalty above, FURTHER ACTION WILL BE TAKEN in respect of the offence, and you will incur further costs.

COURT:

If you wish the matter to be dealt with by a court, do not pay the Infringement Notice. You should advise the chief executive officer of the Potato Marketing Corporation of your intention, in writing, before the due date otherwise further costs will be incurred.

CREDIT CARD PAYMENTS — COMPLETE ALL DETAILS

PLEASE DEBIT MY CREDIT CARD ACCOUNT: —

BANKCARD MASTERCARD VISA CARD
AMOUNT CARD NUMBER
CARDHOLDER NAME
SIGNATURE EXPIRY DATE

Reverse of Form

WHERE TO PAY

(The office to which payment may be made is to be specified here.)

[Form 2 amended: Gazette 18 Mar 2008 p. 866.]

Form 3

[Reg. 33(3)]

Marketing of Potatoes Act 1946

WITHDRAWAL OF INFRINGEMENT NOTICE

SURNAME
(Block letters) *(Given names)*

ADDRESS
(Number and Street)

.....
(Town and Suburb) *(Postcode)*

Infringement Notice No. Date / / for the alleged
offence of Penalty \$
is hereby withdrawn.

- (a) No further action will be taken.
- (b) It is proposed to institute court proceedings for the alleged offence.
(Strike out that not applicable)

Signed by
(name)

for the Potato Marketing Corporation
of Western Australia.

Dated

Form 4

[Reg. 34(2)]

Marketing of Potatoes Act 1946

**APPLICATION FOR THE REGISTRATION OF A BUSINESS
AS A COMMERCIAL PRODUCER OF POTATOES**

I/We,
(*Name of each person making application*)

hereby apply for registration of
(*Name in which business is to be registered*)

as a commercial producer of potatoes.

Registration numbers currently/previously held

Location of business

Postal Address

Telephone

Facsimile

Capacity in which the applicant is concerned with the business

Nature of activities: (*Delete if not to be an activity of the business*)

to grow potatoes for sale

— to consumers in the State

— as a potato product

— to a manufacturer of a potato product

— for export

— when exported

— for propagation

to grow potatoes for propagation for own use

to grow potatoes for (*purpose to be specified*)

Signed

Dated

Form 5

[Reg. 34(3)]

Marketing of Potatoes Act 1946

**CERTIFICATE OF REGISTRATION OF A BUSINESS
AS A COMMERCIAL PRODUCER OF POTATOES**

Registration number

Name of holder

Registered business name as a
commercial producer

Location of business

Postal Address

Telephone

Facsimile

Nature of activities: *(delete if not to be an activity of the business)*

to grow potatoes for sale

— to consumers in the State

— as any potato product

— to a manufacturer of a potato product

— for export

— when exported

— for propagation

to grow potatoes for propagation for own use

to grow potatoes for *(purpose to be specified)*

Duties imposed on holders

Other terms, conditions and restrictions

Registration valid for *(period to be specified)*.

Signed by

(name)

for the Potato Marketing Corporation
of Western Australia.

Dated

Form 6

[Reg. 34(4)]

Marketing of Potatoes Act 1946

**APPLICATION FOR TRANSFER OF THE REGISTRATION
OF A BUSINESS**

I/We,
(*Name of each person making application*)

hereby apply for transfer of the registration of
(*Registered business name
as a commercial producer*)

Registration number

to
(*Name of person to whom the registration is sought to be transferred*)

Name in which business is to be registered
as a commercial producer

Location of business

Postal Address

Telephone

Facsimile

Nature of activities: (*delete if not to be an activity of the business*)

to grow potatoes for sale

— to consumers in the State

— as a potato product

— to a manufacturer of a potato product

— for export

— when exported

— for propagation

to grow potatoes for propagation for own use

to grow potatoes for (*purpose to be specified*)

Signed

Dated

Name of current holder

Consent of current holder

Form 7

[Reg. 35(2)]

Marketing of Potatoes Act 1946

APPLICATION FOR POTATO GROWING AREA LICENCE

Name of grower applying for an area licence

Registered business name as a commercial producer

Registration number

Location of the business

Postal address

Telephone

Facsimile

Land to which the application relates (*to be specified*)

Location

Lot No.

Size of activity: Total area to be planted (*hectares*)

Total quantity to be produced (*tonnes*)

Area in hectares to be planted by variety (*variety to be specified*)

Quantity to be produced by variety (*variety to be specified*)

Nature of activities: (*delete if not to be an activity of the business*)

to grow potatoes for sale

— to consumers in the State

— as a potato product

— to a manufacturer of a potato product

— for export

— when exported

— for propagation

to grow potatoes for propagation for own use

to grow potatoes for

(*purpose to be specified*)

Area Licence numbers currently held

Delivery schedule

Signed

Dated

Marketing of Potatoes Regulations 1987

Schedule 2 Prescribed forms

Delivery schedule
Duties imposed on holder
Other terms, conditions and restrictions
Registration valid for (*period to be specified*)

Signed by
(*name*)

for the Potato Marketing Corporation
of Western Australia.

Dated

Form 9

[Reg. 35(4)]

Marketing of Potatoes Act 1946

APPLICATION FOR TRANSFER OF AREA LICENCE

I/We, (*Name of each person making application*)
hereby apply for the transfer of —

Area Licence number

Name of current holder

Registered business name as a
commercial producer

Registration number

to —

(*Name of grower to whom the area licence is to be transferred*)

Registered business name as a
commercial producer

Registration number

Land to which the application relates (*to be specified*)

Location

Lot No.

Size of activities:

Total area to be planted (*hectares*)

Total quantity to be produced (*tonnes*)

Area in hectares to be planted by variety (*variety to be
specified*)

Quantity to be produced by variety (*variety to be
specified*)

Nature of activities: (*delete if not to be an activity of the business*)

to grow potatoes for sale

— to consumers in the State

— as a potato product

— to a manufacturer of a potato product

— for export

— when exported

Marketing of Potatoes Regulations 1987

Schedule 2 Prescribed forms

— for propagation
to grow potatoes for propagation for own use
to grow potatoes for
(purpose to be specified)

Delivery schedule

Signed

Dated

Consent of current holder — signed

Form 10

[Reg 37(2)]

Marketing of Potatoes Act 1946

CERTIFICATE OF DOMESTIC MARKET ENTITLEMENT

Entitlement Number

Name of holder

Registered business name as a
commercial producer

Registration number

Area Licence number(*authorising the growing of
potatoes for sale to consumers in the State*)

Location of the business

Postal address

Telephone

Facsimile

Size of Domestic Market Entitlement: (*specify by variety*)

 Total area to be planted (*hectares*)

 Total quantity to be produced (*tonnes*)

 Variety

 Area in hectares to be planted by variety (*variety to be
specified*)

 Quantity to be produced by variety (*variety to be
specified*)

Delivery schedule

Duties imposed on holder

Other terms, conditions and restrictions

Entitlement valid for (*period to be specified*)

Signed by
 (*name*)

for the Potato Marketing Corporation
of Western Australia.

Dated

Form 11

[Reg. 37(3)]

Marketing of Potatoes Act 1946

**APPLICATION FOR TRANSFER OF DOMESTIC MARKET
ENTITLEMENT**

I/We, (*Name of each person making application*)
hereby apply for transfer of Domestic Market Entitlement number
from —

Name of current holder
Registered business name as a
commercial producer
Registration number

to —

Name of grower to whom the Domestic Market Entitlement is to be
transferred
Registered business name as a
commercial producer
Registration number
Area Licence number (*authorising the growing of
potatoes for sale to consumers in the State*)
Area Licence numbers currently held
Location of business
Postal address
Telephone
Facsimile

Size of Domestic Market Entitlement: (*specify by variety*)

Total area to be planted (*hectares*)
Total quantity to be produced (*tonnes*)
Variety
Area in hectares to be planted by variety (*variety to be
specified*)
Quantity to be produced by variety (*variety to be
specified*)

Delivery schedule

Marketing of Potatoes Regulations 1987
Prescribed forms **Schedule 2**

Signed

Dated

Consent of current holder — signed

Form 12

[Reg. 38(2)]

Marketing of Potatoes Act 1946

**APPLICATION BY GROWER FOR PERMIT TO PURCHASE,
SELL OR USE POTATOES**

Name of grower applying for permit
Registered business name as a commercial producer
Registration number
Area Licence number
Location of business
Postal Address
Telephone

Facsimile

hereby applies for a permit, in respect of tonnes of (*variety*)
potatoes; to — (*delete as may be appropriate*)

(a) purchase potatoes

From
Registered business name of a
commercial producer.....
Registration number
Delivery schedule

The potatoes will be used for
(*purpose to be specified*);

(b) sell potatoes

To
Postal address
Delivery schedule

The potatoes will be used for
(*purpose to be specified*);

Form 13

[Reg. 38(3)]

Marketing of Potatoes Act 1946

PERMIT FOR GROWER TO PURCHASE, SELL OR USE POTATOES

Permit Number

Name of holder

Registered business name as a commercial producer

Registration number

Area Licence number

Location of the business

Postal address

Telephone

Facsimile

Permit, in respect of tonnes of (*variety*) potatoes, to —
(*delete as may be appropriate*)

(a) purchase potatoes

From

Registered business name if a commercial producer

Registration number

Delivery schedule

to be used for (*purpose to be specified*);

(b) sell potatoes

To

Postal address

Delivery schedule

to be used for (*purpose to be specified*);

(c) use potatoes —

grown under area Licence number;

other (*specify*),

to be used for (*purpose to be specified*);

Marketing of Potatoes Regulations 1987
Prescribed forms **Schedule 2**

(d) sell and deliver potatoes to a potato product manufacturer
 Name of manufacturer
 Delivery schedule

(e) sell and deliver potatoes to a potato exporter
 Name of exporter
 Delivery schedule

Duties imposed on holder

Other terms, conditions and restrictions

Permit valid for (*period to be specified*)

Signed by

(name)

for the Potato Marketing Corporation
of Western Australia.

Dated

Form 14

[Reg. 56]

Marketing of Potatoes Act 1946

DETAILS OF SEED SALES TO GROWERS

For the month of

Name of seller

Registered business name as a
commercial producer

Registration number

Area Licence number

Location of the business

Postal address

Telephone

Facsimile

Primary Agent (*to be specified, where an agent is used*)

Date	Sold to (<i>grower's</i> <i>name</i>)	Variety	Tonnes	Gross sale price (\$/tonne)	Trust Fund Levy	Admin- istration charges	Seed inspection charge	Total payable to Corpor- ation
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Signed

Date

Form 15

[Reg. 58]

Marketing of Potatoes Act 1946

PLANTING DECLARATION

Name of grower
Registered business name as a
commercial producer
Registration number
Area Licence numbers
Total licensed area (hectares)
Domestic Market Entitlement number
Location of the business
Postal address
Telephone
Facsimile
Primary Agent (*to be specified, where an agent is used*)

Ware potatoes — Licence number Domestic Market Entitlement
number

Variety	Area planted (<i>ha</i>)	Delivery schedule Date commencing	Tonnes
---------	-------------------------------	--------------------------------------	--------

Total
Location of property on which the crop is planted
(to be specified)

Marketing of Potatoes Regulations 1987
Schedule 2 Prescribed forms

Seed potatoes — Licence number

Variety	Area planted (<i>ha</i>)	Own use (<i>tonnes</i>)	Delivery schedule Date commencing	Tonnes
---------	-------------------------------	------------------------------	--	--------

Total

Location of property on which the crop is planted
(to be specified)

Potatoes for manufacture — Licence number

Variety	Area planted (<i>ha</i>)	Manufacturer	Delivery schedule Date commencing	Tonnes
---------	-------------------------------	--------------	--	--------

Total

Location of property on which the crop is planted
(to be specified)

Marketing of Potatoes Regulations 1987
Prescribed forms **Schedule 2**

Potatoes for export — Licence number

Variety	Area planted (<i>ha</i>)	Exporter	Delivery schedule Date commencing	Tonnes
---------	-------------------------------	----------	--	--------

Total

Location of property on which the crop is planted
(*to be specified*)

Potatoes for other purpose (please specify) — Licence number

Variety	Area planted (<i>ha</i>)	Exporter	Delivery schedule Date commencing	Tonnes
---------	-------------------------------	----------	--	--------

Total

Location of property on which the crop is planted
(*to be specified*)

Form 16

[Reg. 59]

Marketing of Potatoes Act 1946

NOTICE OF INTENTION TO HARVEST

Name of grower

Registered business name as a
commercial producer

Registration number

Area Licence number

Domestic Market Entitlement number (*if applicable*)

Location of the business

Postal address

Telephone

Facsimile

Primary Agent (*to be specified, where an agent is used*)

Area planted (<i>ha</i>)	Variety	Harvest commencing	Estimated yield (<i>tonnes</i>)	For delivery to (<i>to be specified</i>)	Date of delivery
-------------------------------	---------	-----------------------	--------------------------------------	---	---------------------

Location of property on which the crop is planted
(*to be specified*)

Signed

Dated

Form 17

[Reg. 60]

Marketing of Potatoes Act 1946

NOTICE OF HARVEST AND DELIVERY

Name of grower

Registered business name as a
commercial producer

Registration number

Area Licence number

Total licensed area (hectares)

Domestic Market Entitlement number

Location of the business

Postal address

Telephone

Facsimile

Primary Agent.....

Ware potatoes — Licence number Domestic Market Entitlement
number

Variety	Area planted (<i>ha</i>)	Area harvested (<i>ha</i>) for week	Tonnes harvested for week	Tonnes delivered for week	Delivered to	Tonnes in storage	Estimated tonnage still to harvest
---------	----------------------------------	--	---------------------------------	---------------------------------	-----------------	----------------------	---

Total

Location of property on which the crop was planted
(*to be specified*)

Marketing of Potatoes Regulations 1987
 Prescribed forms **Schedule 2**

Seed potatoes — Licence number

Variety	Area planted (<i>ha</i>)	Area harvested (<i>ha</i>) for week	Tonnes harvested for week	Tonnes delivered for week	Delivered to	Tonnes in storage	Estimated tonnage still to harvest
---------	----------------------------------	--	---------------------------------	---------------------------------	-----------------	----------------------	---

Total

Location of property on which the crop was planted
(to be specified)

Potatoes for manufacture — Licence number

Variety	Area planted (<i>ha</i>)	Area harvested (<i>ha</i>) for week	Tonnes harvested for week	Tonnes delivered for week	Delivered to	Tonnes in storage	Estimated tonnage still to harvest
---------	----------------------------------	--	---------------------------------	---------------------------------	-----------------	----------------------	---

Total

Location of property on which the crop was planted
(to be specified)

Marketing of Potatoes Regulations 1987
Schedule 2 Prescribed forms

Potatoes for export — Licence number

Variety	Area planted (<i>ha</i>)	Area harvested (<i>ha</i>) for week	Tonnes harvested for week	Tonnes delivered for week	Delivered to	Tonnes in storage	Estimated tonnage still to harvest
---------	----------------------------------	--	---------------------------------	---------------------------------	-----------------	----------------------	---

Total

Location of property on which the crop was planted
(to be specified)

Potatoes for other purpose (please specify) — Licence number

Variety	Area planted (<i>ha</i>)	Area harvested (<i>ha</i>) for week	Tonnes harvested for week	Tonnes delivered for week	Delivered to	Tonnes in storage	Estimated tonnage still to harvest
---------	----------------------------------	--	---------------------------------	---------------------------------	-----------------	----------------------	---

Total

Location of property on which the crop was planted
(to be specified)

Signed

Dated

Form 18

[Reg. 61]

Marketing of Potatoes Act 1946

**NOTICE OF POTATOES RECEIVED BY MANUFACTURER OR
EXPORTER**

Week ended Saturday

Name of manufacturer or exporter

Location of business

Postal Address

Telephone

Facsimile

Details of potatoes delivered for week (*specify dates*)

Name of grower	Variety	Tonnes delivered	Consignment Advice number	Date of delivery
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Signed

Dated

Form 19

[Reg. 62(1)]

Marketing of Potatoes Act 1946

POTATO CONSIGNMENT ADVICE

Advice Number

Name of grower

Registered business name as a
commercial producer

Registration number

Area Licence number

Domestic Market Entitlement number (*if applicable*)

Postal Address

Location of Business

Variety of potato

Number of bins

Consent to dry brush (*if applicable*)

Corporation assessment or merchant packout (*if applicable*)

Delivery to: Potato Marketing Corporation
 Wholesale potato merchant
 Potato products manufacturer
 Potato exporter
 Other (*please specify*)

Planned delivery date

Issuing Agent Name of agent
 Date of issue
 Signed

Carrier Name of carrier
 Vehicle registration number
 Date loaded
 Signed

Marketing of Potatoes Regulations 1987

Prescribed forms **Schedule 2**

Receival by: Potato Marketing Corporation
 Wholesale potato merchant
 Potato products manufacturer
 Potato exporter
 Other (*please specify*)
 Date of receival
 Signed

Delivery Advice valid for week commencing

Terms, conditions and restrictions

Signed

Dated

Form 20

[Reg. 63]

Marketing of Potatoes Act 1946

CERTIFICATE OF REFUSAL

To
(Name of grower)

of
(address)

Details of consignment

Name of grower

Address of grower

Registered business name
as a commercial producer

Area Licence No.

This consignment was inspected at
(premises)

onand found to be below the
(date)
prescribed quality.

Under section 23(2) of the Act, the Potato Marketing Corporation refuses to
accept delivery of these potatoes.

Signed

Signed by

(Name in block letters)

on behalf of the Potato Marketing Corporation

Dated

Form 21

[Reg. 64]

Marketing of Potatoes Act 1946

NOTICE OF CLAIM

To: The Potato Marketing Corporation

1. I,
(name of claimant)
of
(address of claimant)

give notice that the consignment referred to in item 2 is subject to the claim referred to in item 3.

2. Details of consignment

Name of grower

Address of grower

Registered business name
as a commercial producer

Area Licence No.

Date of delivery

Place of receipt

Variety	Quantity

3. Particulars of claim

(a) Particulars of security

(b) Amount due and owing

Signed
(Signature of claimant)

Signed by
(Name in block letters)
on behalf of the Potato Marketing Corporation

Dated

Form 22

[Reg. 65(a)]

Marketing of Potatoes Act 1946

**NOTICE OF SECURITY OVER CROP OR POTATOES
GIVEN BY A GROWER**

To: The Potato Marketing Corporation

The consignment referred to in item 1 is subject to the security referred to in item 2.

1. Details of consignment

Name of grower

Address of grower

Registered business name
as a commercial producer

Area Licence No.

Date of delivery

Place of receipt

Variety	Quantity

2. Particulars of security

Signed

(Signature of grower)

Signed by

(Name in block letters)

on behalf of the Potato Marketing Corporation

Dated

Form 23

[Reg. 65(b)]

Marketing of Potatoes Act 1946

**NOTICE OF SECURITY OVER CROP OR POTATOES
GIVEN BY HOLDER OF SECURITY**

To: The Potato Marketing Corporation

The consignment referred to in item 1 is subject to the security referred to in item 2.

1. Details of consignment

Name of grower

Address of grower

Registered business name
as a commercial producer

Area Licence No.

Date of delivery

Place of receipt

Variety	Quantity

2. Particulars of security

Signed
(Signature of holder of security)

Signed by
(Name in block letters)

Dated

*[Schedule 2 inserted: Gazette 1 Sep 1995 p. 4077-99;
amended: Gazette 18 Mar 2008 p. 866.]*

Schedule 3

[Reg. 33(2)]

Part 1 — The Act

Provision creating offence	Nature of offence	Modified penalty
s. 22(1)(a)	Sale or delivery to a person other than the Corporation or an agent of the Corporation	\$200
s. 22(1)(b)	Sale or delivery not in accordance with a permit or exemption	\$200
s. 22(2)(a)	Purchase, or delivery taken, from a grower	\$200
s. 22(2)(b)	Purchase, or delivery taken, not in accordance with a permit or exemption	\$200
s. 22(2)(c)	Potatoes not accompanied by document required by the regulations	\$200
s. 22(2)(c)	Potatoes not accompanied by document containing prescribed information	\$200

Part 2 — Regulations

Provision creating offence	Nature of offence	Modified penalty
s. 8(3)	Multiple enrolment for elections	\$50
s. 21	Voting when not entitled	\$50
s. 24	False claim or statement as to enrolment	\$50
s. 31	Failure to state name of seller, consignor or supplier	\$100
s. 55(2)	Potatoes not graded, sized or packed as required	\$100
s. 56	Failure to furnish return as to sale of seed	\$200
s. 57	Failure to furnish declaration as to planting	\$200

Marketing of Potatoes Regulations 1987
Schedule 3

Provision creating offence	Nature of offence	Modified penalty
s. 58	Failure to furnish notice of intention to harvest	\$200
s. 59	Failure to furnish notice of harvest	\$200
s. 60	Failure to furnish notice of receival	\$200

[Schedule 3 inserted: Gazette 1 Sep 1995 p. 4099-100.]

[Schedule 4 repealed: Gazette 1 Sep 1995 p. 4077.]

Marketing of Potatoes Regulations 1987

Notes Compilation table

Notes

This is a compilation of the *Marketing of Potatoes Regulations 1987* and includes amendments made by other written laws. For provisions that have come into operation, and for information about any reprints, see the compilation table. ~~For provisions that have not yet come into operation see the uncommenced provisions table.~~

Compilation table

Citation	Published	Commencement
<i>Marketing of Potatoes Regulations 1987</i>	18 Sep 1987 p. 3659-89	18 Sep 1987 (see r. 2 and <i>Gazette</i> 18 Sep 1987 p. 3587)
<i>Marketing of Potatoes Amendment Regulations 1989</i>	22 Sep 1989 p. 3498	2 Oct 1989 (see r. 2)
<i>Marketing of Potatoes Amendment Regulations 1995</i>	1 Sep 1995 p. 4063-100	5 Sep 1995 (see r. 2 and <i>Gazette</i> 1 Sep 1995 p. 4063)
<i>Marketing of Potatoes Amendment Regulations 1996</i>	17 Jan 1997 p. 405-6	18 Jan 1997 (see r. 2)
<i>Marketing of Potatoes Amendment Regulations 1998</i>	22 Dec 1998 p. 6833-4	22 Dec 1998
Reprint 1: <i>The Marketing of Potatoes Regulations 1987</i> as at 24 Apr 2003 (includes amendments listed above)		
<i>Marketing of Potatoes Amendment Regulations 2008</i>	18 Mar 2008 p. 865-6	r. 1 and 2: 18 Mar 2008 (see r. 2(a)); Regulations other than r. 1 and 2: 19 Mar 2008 (see r. 2(b))
<i>Public Sector Reform (Consequential Amendments) Regulations 2011 Pt. 5</i>	11 Feb 2011 p. 502-7	12 Feb 2011 (see r. 2(d))

Uncommenced provisions table

~~To view the text of the uncommenced provisions see *Acts as passed* on the WA Legislation website.~~

Citation	Published	Commencement
These regulations were repealed by the <i>Marketing of Potatoes Amendment and Repeal Act 2016</i> s. 13(b) assented to 12 Sep (No. 22 of 2016) as at 22 May 2021 (see s. 2(d) and SL 2021/60 cl. 2)		To be Deleted Cells