

MARKETING OF POTATOES.

No. 55 of 1966.

AN ACT to amend the Marketing of Potatoes Act, 1946-1957.

[Assented to 5th December, 1966.]

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and the Legislative Assembly of Western Australia, in this present Parliament assembled, and by the authority of the same, as follows:—

1. (1) This Act may be cited as the *Marketing of Potatoes Act Amendment Act, 1966.*

Short title
and citation.

(2) In this Act the Marketing of Potatoes Act, 1946-1957, is referred to as the principal Act.

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(3) The principal Act as amended by this Act may be cited as the Marketing of Potatoes Act, 1946-1966.

Approved
for reprint
23rd April,
1964.

Commence-
ment.

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

S. 22
amended.

3. Section twenty-two of the principal Act is amended by repealing subsections (7), (8) and (9) and enacting subsections as follow—

(7) Where an inspector has reasonable grounds for suspecting that a quantity of potatoes exceeding ten stones in weight is being, is likely to be, or has been, dealt with in a manner contravening subsection (2) of this section, he may, upon giving a written receipt therefor to the person, if any, apparently in possession or having the control of the potatoes, impound as samples not more than two pounds for every ten stones of potatoes suspected by him of being so dealt with.

(8) A person convicted of an offence against subsection (2) of this section is liable—

(a) for a first offence, to a fine of not less than fifty dollars or more than two hundred dollars;

(b) for a subsequent offence, to a fine of not less than one hundred dollars or more than two hundred dollars,

and the Court convicting a person of purchasing or taking delivery of potatoes from a grower contrary to that subsection shall, in addition to the penalty imposed for that offence pursuant to paragraph (a) or (b) of this subsection, impose on that person a further penalty of an amount equal to the value of the quantity of potatoes found by the Court to have been purchased or taken delivery of, as the case may be, by that person contrary to subsection (2) of this section, ascertained in accordance with the provisions of subsection (9) of this section.

(9) The value of a quantity of potatoes is to be ascertained, for the purposes of subsection (8) of this section, by applying to that quantity the wholesale price obtained by the Board, on or about the day on which the offence was committed, for potatoes sold by it. .

4. The principal Act is amended by adding after section twenty-two a section as follows—

S. 22A
added.

22A. (1) Where an inspector has reasonable grounds for suspecting that there is on a vehicle a quantity of potatoes exceeding ten stones in weight, he may—

Halting and
inspection of
certain
vehicles.

- (a) direct the driver, or the person apparently in charge, of the vehicle to permit the inspector to search the vehicle and anything thereon; and
- (b) if the vehicle is in motion, direct the driver to stop the vehicle so that the inspector may exercise in relation thereto the powers referred to in paragraph (a) of this subsection,

and if upon his inspection of the vehicle the inspector is satisfied that there is on the vehicle a quantity of potatoes exceeding ten stones in weight he may—

- (c) request the person apparently in charge of the vehicle—
 - (i) to give to the inspector his name and address;
 - (ii) to supply to the inspector such information relating to the potatoes and the journey and destination or the intended journey and destination of the vehicle as the inspector requires; and
 - (iii) to produce to the inspector any sales docket, delivery note or other document relating to the potatoes;

- (d) upon his giving to the person apparently in charge of the vehicle a written receipt clearly identifying the document impounded, impound any sales docket, delivery note or other document relating to the potatoes that is produced to him or that he finds on the vehicle; and
- (e) upon his giving a written receipt therefor, impound any bag or other container suitable as a container for potatoes that he finds on the vehicle either with or without the potatoes, if any, contained in the bag or container.

(2) The powers conferred by subsection (1) of this section are exercisable only by an inspector who is wearing, or who bears and displays, the prescribed item of identification, or who otherwise clearly indicates that he is an inspector to the person in relation to whom he proposes to exercise any of those powers.

(3) A person who—

- (a) fails to comply with a direction or request given or made under subsection (1) of this section;
- (b) fails to give to the best of his knowledge and belief any information requested by an inspector under that subsection; or
- (c) hinders or obstructs an inspector in the course of that inspector's duty,

commits an offence, and is liable on conviction—

- (d) for a first offence, to a fine of not less than fifty dollars or more than two hundred dollars;
- (e) for a subsequent offence, to a fine of not less than one hundred dollars or more than two hundred dollars.

(4) The provisions of this section are in addition to, and not in derogation of, any other provisions of this Act or of the regulations relating to the authority of, or obstruction of, inspectors. .

5. The principal Act is amended by adding a section as follows— S. 22B added.

22B. A person who is not the holder of a valid license issued by the Board permitting him to produce potatoes for sale shall not— Unlicensed persons not to plant potatoes for sale.

- (a) plant potatoes with a view to producing potatoes for sale; or
- (b) produce potatoes for sale.

Penalty: Four hundred dollars. .

6. Section twenty-six of the principal Act is amended by adding after subsection (2) a subsection as follows— S. 25 amended.

(3) A person convicted of an offence against subsection (1) of this section is liable—

- (a) for a first offence, to a fine of not less than fifty dollars or more than two hundred dollars;
- (b) for a subsequent offence, to a fine of not less than one hundred dollars or more than two hundred dollars. .

7. Subsection (3) of section thirty of the principal Act is amended— S. 30 amended.

- (a) by substituting for the passage, “prescribed.” in line five of paragraph (d), the passage, “prescribed; and”; and

(b) by adding a paragraph as follows—

- (e) such portion of those proceeds, or, as the case may be, progress or final payments, but not exceeding one and a half per centum thereof, as the Governor by proclamation from time to time declares, to be paid to a reserve fund to be maintained by the Board for the purpose of enabling it, from moneys from time to time standing to the credit of the fund, to make fair returns to growers when unusual market conditions prevail.

S. 41
amended.

8. Section forty-one of the principal Act is amended—

(a) by substituting for subsection (2), the following subsection—

(2) A person guilty of an offence against this Act for which no other penalty is provided is liable to a penalty not exceeding two hundred dollars. ; and

(b) by adding a subsection as follows—

(2a) Where, by this Act, a minimum penalty is provided, that penalty is, in each case, irreducible in mitigation, notwithstanding the provisions of any other Act. .

S. 43
amended.

9. Section forty-three of the principal Act is amended by substituting for the words, "twenty pounds" in line two of subsection (3), the words, "forty dollars".
