

Pensions to dependants.

5 Section twenty-two of the Principal Act is amended—

(a) by inserting in paragraphs I. and II. of subsection (2), after the words “two pounds”, the words “five shillings”;

(b) by omitting paragraph III. and substituting therefor the following paragraph:—

“III. Ten shillings per week to the person (if any) in respect of whom payments have been, or would if the deceased had survived, have been, made under paragraph II. of subsection (1) of section twenty-one, and eight shillings and sixpence per week to each of the persons (if any) in respect of whom payments have been, or would if the deceased had survived, have been, made under paragraphs II.A. and IV. of subsection (1) of that section, so long as such persons respectively are under the age of sixteen years.”.

6 Section twenty-four of the Principal Act is repealed and the following section is substituted therefor:—

Earnings from employment.

“24.—(1) If any person who has qualified for payment of a pension under section twenty or section twenty-two engages in any paid employment, the total amount of the pension payable to that person shall be reduced by the amount by which the average weekly earnings of that person from that employment exceeds two pounds ten shillings per week.

(2) For the purposes of this section, ‘pension’ includes a weekly sum under section twenty-one.”.

SEEDS.

No. 4 of 1950.

AN ACT to regulate and control the Production, Supply, and Sale of Seeds, to provide for the Testing of Seeds in certain cases, and to repeal the *Seeds Act, 1930.* [9 January, 1950]

BE it enacted by His Excellency the Governor of Tasmania, by and with the advice and consent of the Legislative Council and House of Assembly, in Parliament assembled, as follows:—

1—(1) This Act may be cited as the *Seeds Act 1950.*

Short title, repeal, and commencement.

(2) The *Seeds Act 1930** is repealed.

(3) This Act shall commence on a date to be fixed by proclamation.

2 In this Act, unless the contrary intention appears, "seed" means any part of a plant intended or commonly used for planting or sowing.

Interpre-
tation.
21 Geo. V.
No. 67, s. 2.

3—(1) This Act shall apply to prescribed seeds.

Application
of Act.
Ibid., s. 3.

(2) This Act shall not apply to any sale of seeds—

- (a) to a person purporting to purchase them with the purpose of cleaning them before they are resold or exposed for sale;
- (b) where the purchaser buys for the purpose of reselling the same, and gives to the seller an undertaking, in writing, to have such seeds tested as provided by this Act, before reselling them or exposing them for sale;
- (c) where such seeds are not to be used for planting or sowing; or
- (d) under the order of process of any court—

but the onus of proving any such matters shall lie on the seller.

4 Subject to the provisions of this Act no person shall sell or expose for sale any seeds—

Seeds to be
tested before
sale and to be
free from
noxious
weeds, pest,
or disease.
Ibid., s. 5.

- (a) unless the same have been tested as provided by this Act, within nine months before such sale or exposure;
- (b) with which are mixed or included any prescribed seeds or other prescribed matter in excess of the proportion prescribed as permissible;
- (c) if the same or any part thereof, or of any consignment received by such person of which the same forms part, is infected with any prescribed pest or disease;
- (d) with which are mixed or included any seeds of a kind prescribed as prohibited seeds; or
- (e) in which germinable seeds are in less than the prescribed proportion.

5—(1) Whosoever sells or exposes for sale any seeds in a package shall in the prescribed manner mark on the package or on a label attached to it—

Labelling
of seed.

- (a) the name and address of the seller, or if the package is as bought from some previous seller and unbroken, the name and address of that previous seller; and

* 21 Geo. V. No. 67. For this Act as amended, see Reprint of Statutes, Vol. IV., p. 121.

(b) the name of the seeds contained in the package, either the common name or the botanical name, and the variety or strain (if any).

(2) In a contract of sale of seeds so marked shall be implied a condition on the part of the seller that the contents of the package are of the quality prescribed by or under this Act.

(3) No person shall be bound to accept any seeds sold in contravention of this section.

Testing of seeds:
Official seed testing laboratory.
Ibid., s. 7.

6—(1) The Official Seed Testing Laboratory established under the *Seeds Act* 1930* shall continue to be a laboratory for the testing of seeds at such place and under such officers as the Minister may determine.

(2) Any person, upon payment of the prescribed fees, may obtain from the officer-in-charge of such laboratory a certificate containing the prescribed particulars in respect of any seeds submitted in the prescribed manner by such person for testing.

(3) Every such certificate shall be evidence until the contrary be proved of the several particulars thereby certified and where a copy thereof has been served on the opposite party more than six clear days before the hearing, the opposite party shall be not allowed to deny the truth of it unless he has at least three clear days before the hearing or at such other times as the court, subject to such terms as it thinks fit may allow, notified the other party that he intends to do so.

(4) For the purposes of this Act a test of a sample taken and submitted for testing in the prescribed manner from any bulk quantity of seeds shall be deemed to be a test of such bulk quantity.

(5) The quantity of seeds comprised in any sample submitted for testing as aforesaid shall not be less in any case than the quantity prescribed in respect of seeds of the kind to be tested.

Entry and inspection of premises by person authorised by Minister.
Ibid., s. 8.

7—(1) Any person authorised by the Minister so to do, may enter any premises where seeds are sold or exposed or kept for sale, or where such person has reasonable ground to believe that seeds are sold, or exposed, or kept for sale, and any shed, wagon, vessel, or other place or thing in which seeds are in transit apparently in the course of commerce and may inspect any seeds found therein.

(2) Every such entry shall be made at a reasonable time, and the person making the entry, if required, shall produce his authority so to do.

May take samples, test them, and report to Minister.
Ibid., s. 9.

8 Any person, authorised as aforesaid, may—

(a) take in the prescribed manner, and without payment therefor, samples of any seeds from the premises, place or thing under inspection;

* 21 Geo. V. No. 67. For this Act, as amended, see Reprint of Statutes, Vol. IV., p. 121.

- (b) procure tests to be made as prescribed of any samples so taken; and
- (c) report to the Minister any breach of this Act which he may find or believe to have been committed—

and the person having possession or control of any seeds so taken shall give to every such first-mentioned person the like particulars as are required to be marked under this Act in respect of sale in a package.

9—(1) Where with any seeds are mixed or included the seeds of any prescribed noxious weeds or other prescribed matter in excess of the percentage prescribed as permissible, the Minister may order the owner or his agent to treat or clean them in the manner and within the time specified by him. Treatment of seeds.

(2) If such an order is not complied with the Minister may cause the seeds to be so treated or cleaned or to be destroyed and may recover the cost from the person who has failed to comply with the order, whether or not that person has suffered a penalty for his failure.

(3) All costs and expenses properly incurred by an agent under this section shall be recoverable by him from his principal.

10—(1) Subject to such conditions as may be prescribed, the Minister may grant and issue to any person a licence exempting such person from all or any of the provisions of this Act in respect of any sale, or exposure for sale, of any seeds. Power to Minister to grant exemptions and issue licences.
Ibid., s. 10.

(2) The Minister may grant to any grower of seeds a permit in respect of any particular seeds produced by him, exempting such grower from any of the provisions of this Act relating to testing or otherwise.

(3) Any such licence or permit may be subject to such conditions as may be prescribed or may be issued unconditionally.

(4) The Minister may revoke any such licence or permit at any time upon being satisfied that any such condition as aforesaid has been contravened.

11—(1) Any person who—

- (a) sells or exposes for sale any seeds in contravention of this Act;
- (b) in purported pursuance of section five marks, issues, or displays any name or address false in a material particular;
- (c) uses on any package of seeds or in any label, invoice, circular, or advertisement in relation to any seeds the words "certified", "disease immune", "disease resistant", "wilt immune", "wilt resistant", or any other words of like import unless the seeds referred to have been—

Offences:
Penalty:
Exceptions:
Proceedings only on authority of Minister.

Ibid., s. 12.

- (i) tested under this Act;
 - (ii) grown or produced under a prescribed scheme, and duly certified thereunder; or
 - (iii) grown or produced in any other part of the King's dominions under a similar scheme prescribed as sufficient for this purpose and certified by the prescribed authority;
- (d) fails to comply with an order of the Minister under section nine;
- (e) fails to comply with any condition imposed upon him in respect of any licence granted under this Act; or
- (f) obstructs, resists, or impedes any person authorised under this Act to make any inspection in the performance of such duty—

is guilty of an offence.

Penalty: Twenty pounds.

(2) Where any person is convicted of an offence under this section the court, in addition to any other penalty, may direct that the seeds or package of seeds in respect of which the offence has been committed or any part thereof shall be forfeited.

(3) Any seeds or packages of seed forfeited under this section may be disposed of as the Minister directs.

(4) No proceedings shall be taken in respect of an offence under this Act, except with the authority of the Minister.

(5) In such proceedings no certificate under section six may be used unless—

- (a) the complaint was laid within three months after the taking of the sample in respect of which it is given; and
- (b) a copy of the certificate was served with the summons to answer the complaint or given to the defendant when he was informed of the cause of his apprehension in the case where a warrant is used.

12—(1) The purchaser of any seeds, where—

- (a) the name of the seeds marked as required by this Act, in relation thereto is untrue; or
- (b) the purity or germinative quality of the seeds is found by test, as provided by this Act, to be less than the prescribed proportion,

may return the same to the seller, subject to the prescribed conditions, notwithstanding that he has accepted delivery thereof.

(2) Every test, for the purposes of this section, shall be made within the prescribed time and subject to the prescribed conditions.

(3) The purchaser, if he complies with the prescribed conditions, may recover from the seller in any court of competent jurisdiction any expense incurred by him in respect of any seeds so returned by him to the seller as aforesaid.

13—(1) All seeds imported into this State shall in the prescribed cases be accompanied by a certificate certifying that the same have been tested as prescribed, and containing a statement giving particulars of the test as prescribed. Seeds imported to be accompanied by a certificate. *Ibid.*, s. 15.

(2) No seeds imported as aforesaid may be removed from the wharf, pier, airfield, or transit shed at the place of importation except as provided in subsection (3) of this section.

Penalty: Fifty pounds.

(3) The prescribed officer may—

- (a) permit the seeds to be removed forthwith;
- (b) detain them in the same or a prescribed place pending a test or other investigation; or
- (c) permit the person importing them to remove them under bond—
 - (i) to keep them intact pending a test or specified investigation or for a specified time;
 - (ii) to treat them as prescribed;
 - (iii) to destroy any material removed from them by the treatment; and
 - (iv) to destroy them or send them out of the State if notwithstanding treatment they cannot lawfully be sold here.

(4) No seeds imported as aforesaid shall be sold or used in this State unless the same have been treated as prescribed and unless the same—

- (a) comply with the provisions of subsection (1) hereof; or
- (b) have been tested as prescribed in this State.

Penalty: Twenty pounds.

14—(1) The Governor may make regulations for the purposes of this Act, and, in addition to any other matters, may prescribe— Regulations. *Ibid.*, s. 16.

- (a) the issue of licences for the growing or production of seeds, the prohibition of any such growing, or production by unlicensed persons, within any prescribed area, and the regulating of all matters pertaining thereto;

- (b) all matters relating to the taking of samples, the procedure thereon, the testing thereof, and mode of proving the results of such testing which shall be sufficient;
- (c) schemes for the growing or production of seeds of a prescribed quality, including their testing and certification as prescribed; and
- (d) names to be used as common names for the purposes of this Act to the exclusion of other common names.

(2) Any such regulations may exempt, from any specified provisions of this Act, the sale of any specified seeds in quantities not exceeding the amount prescribed.

(3) Any such regulation may impose a penalty not exceeding twenty pounds for the breach of any regulation so made.

LAND VALUATION.

No. 5 of 1950.

AN ACT to consolidate and amend the law relating to the valuation of land. [9 January, 1950.]

BE it enacted by His Excellency the Governor of Tasmania, by and with the advice and consent of the Legislative Council and House of Assembly, in Parliament assembled, as follows:—

PART I.

PRELIMINARY.

1—(1) This Act may be cited as the *Land Valuation Act* 1950.

(2) This Act (other than Part VII.) shall come into operation on a date to be fixed by proclamation.