**SEEDS BILL 1978**

**Legislative Council, 2 August 1978, pages 241-2**

Second reading

The Hon. B. A. CHATTERTON (Minister of Agriculture) obtained leave and introduced a Bill for an Act to regulate the sale of seeds; to repeal the Agricultural Seeds Act, 1938-1975; and for other purposes. Read a first time.

The Hon. B. A. CHATTERTON: I move:

That this Bill be now read a second time.

It is designed to ensure that transactions involving the sale of seed will take place on a fair and informed basis. The Bill replaces the Agricultural Seeds Act, which dates from 1938. Since that time a far wider range of seeds has come into common use and the production of seed has developed into a specialist industry. The lack of adequate descriptive requirements in the marketing of seed has permitted a certain volume of trade in sub-standard seed, which, in some cases, would be regarded as unmarketable in other States which have more rigid controls. In addition to these factors, it has been found that the terms of the present Act make it difficult in practice to detect and prosecute persons who sell sub-standard seed. This is partly due to the fact that the present legislation permits vendors to declare sub-standard features of seed in any one of three ways; namely, on an invoice relating to the transaction, on a tag attached to a parcel, or on the parcel itself. Such a practice readily leads to confusion and uncertainty. Moreover, as the law stands, it is difficult for inspectors to determine whether a particular sample of seed in, say, a warehouse, is in fact intended for sale, or, indeed, whether it is owned by the person who owns the warehouse. Furthermore, the present requirements to declare sub-standard characteristics do not apply to transactions between seed growers and merchants. All of these factors have resulted in a situation where little has been, or can be done, to enforce the provisions of an Act, which is, in any event, out of touch with modern developments in the seed producing industry.

Under the proposed legislation, any person who sells or offers or exposes for sale any prescribed seeds in the course of business will be obliged to furnish the purchaser with a statement setting out the species of the plant from which the seeds have been obtained, the proportion of those seeds which have been found to germinate under a prescribed test, the mass of the seeds contained in any parcel, the proportion by mass of any extraneous matter mixed with the seeds, and details of any treatment to which the seeds have been subjected. The new Act will also make it an offence to sell seeds of pest plants or other prescribed noxious seeds or seeds contaminated by noxious material. The legislation will further stipulate that any information offered voluntarily must be truthfully labelled.

To ensure the effective enforcement of the Act, officers of the Agriculture and Fisheries Department will be empowered to enter premises where seeds are kept for sale and take samples of seeds for analysis. I seek leave to have the explanation of the clauses of the Bill inserted in Hansard without my reading it.

Leave granted.

Explanation of Clauses

Clauses 1 and 2 are formal. Clause 3 repeals the Agricultural Seeds Act, 1938-1975. Clause 4 defines certain expressions used in the Bill. Clause 5 makes it an offence for any person to sell noxious or contaminated seeds, and clause 6 empowers the Minister to order the destruction of such seeds.

Clause 7 sets out the particulars relating to seeds which must be furnished to purchasers, and provides that it shall be an offence for a seller not to comply with the requirements of the clause unless the seeds are sold for purposes other than germination or the propagation of plants and have not, in fact, been used for that purpose.

Clause 8 empowers authorised officers to enter premises where seeds are kept for sale and to remove samples for analysis on tender of the market price. Any person who hinders an authorised officer in the exercise of these powers commits an offence. Clause 9 provides that in any proceedings for an offence against the proposed Act, a certificate relating to the analysis of seeds under the hand of a person with prescribed qualifications shall be accepted, in the absence of proof to the contrary, as proof of any statement contained therein relating to the identity of. the seeds and the result of the analysis. Clause 10 provides that any proceedings under the Act may be disposed of summarily, and clause 11 empowers the Governor to make regulations for the purposes of the Act.

The Hon. R. C. DeGARIS secured the adjournment of the debate.