

## AGRICULTURAL SEEDS ACT.

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### Act No. 15, 1921.

George V, **An Act to regulate the sale of agricultural seeds ;**  
 No. 15. **to prohibit the sale of certain seeds and**  
**plants ; and for purposes connected therewith.**  
 [Assented to, 13th December, 1921.]

**B**E it enacted by the King's Most Excellent Majesty,  
 by and with the advice and consent of the Legis-  
 lative Council and Legislative Assembly of New South  
 Wales in Parliament assembled, and by the authority of  
 the same, as follows :—

#### *Preliminary.*

- Short title. **1.** This Act may be cited as the “ Agricultural Seeds  
 Act, 1921.”
- Definitions. **2.** In this Act, unless the context otherwise  
 requires,—
- “ Agricultural seed ” means farm and garden seeds  
 which are sold for the purposes of planting,  
 except flower seeds, and includes vegetable and  
 palm seeds.
  - “ Agrostologist ” means the Agrostologist employed  
 by the Department of Agriculture, or any  
 officer authorised by the Minister to carry out  
 the examination of seeds.
  - “ Department of Agriculture ” means Department of  
 Agriculture of the State of New South Wales.
  - “ Impurities ” includes ergot, smuts, dirt, and  
 diseased or broken seeds.
  - “ Inspector ” means inspector appointed under this  
 Act.
  - “ Minister ” means Minister for Agriculture.
- “ Noxious

- “Noxious weed seed” means a seed declared by regulation to be a noxious weed seed. George V,  
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- “Parcel” includes sack, bag, barrel, case, package.
- “Prescribed” means prescribed by this Act or by regulation thereunder.
- “Sell” or “sale” includes offering or attempting to sell, exposing for sale, and sending, forwarding, delivering, or having in possession for sale.
- “Weed seeds,” when used in connection with a parcel of agricultural seeds, means all seeds of a kind other than that specified on such parcel.

*Sale of agricultural seeds.*

**3.** Agricultural seeds of more than one species or variety shall not be sold together in a single parcel, unless the species or varieties are specified by the seller and ordered by the purchaser. Mixed seeds.

**4.** (1) There shall be legibly written on or attached to every parcel of agricultural seed which is sold a statement or label indicating— Sale of  
agricultural  
seeds.

(a) the name and address of the seller :

Provided that if the seller is a company registered under the Companies Acts, or a firm having its name registered under the Registration of Firms Act, 1902, the address of such company or firm may be omitted ; and

(b) The name of the seed as prescribed by regulation.

(2) Such statement or label shall constitute a warranty that the purity and percentage of germination of the seed are in accordance with this Act and the regulations thereunder.

**5.** Any person who sells—

(a) noxious weed seeds or plants which are the produce of noxious weed seeds ; or

(b) agricultural seeds which are mixed with noxious weed seeds ; or

(c) agricultural seeds with which are mixed weed seeds or impurities in excess of the proportion permitted by regulation ; or

(d) agricultural seeds the percentage of germination of which is lower than is prescribed,

shall

Sale of  
noxious weed  
seeds, &c.

**George V,** shall be liable to a penalty not exceeding fifty pounds  
**No. 15.** for the first offence, and not exceeding one hundred pounds for each subsequent offence.

Imported  
 agricultural  
 seeds.

**6.** Agricultural seeds other than those grown in New South Wales shall, before being sold, be treated in the manner prescribed.

Agricultural  
 seeds sold for  
 purpose of  
 cleaning  
 exempted.

**7.** Nothing in this Act shall apply to the sale of agricultural seeds grown in New South Wales to a person for the purpose of being cleaned or graded; the onus of proof to rest on the vendor.

*Inspection, sampling, and testing.*

Inspectors.

**8.** The Governor, upon the recommendation of the Public Service Board, may appoint inspectors for the purposes of this Act.

Power of  
 inspectors,  
 and taking of  
 samples.

**9.** (1) For the purpose of ascertaining whether the provisions of this Act are being complied with, any inspector or a person authorised by the Minister in writing either generally or specifically—

(a) shall have free access at any reasonable time to any wharf, boat, building, vehicle, premises, or land where the inspector or person so authorised believes that agricultural seeds are sold or kept for sale; and

(b) may examine and on payment or tender of the current market price or the prescribed rate of payment therefor may take as samples for examination any agricultural seeds or portions of any parcel thereof:

Provided that where agricultural seeds are kept for retail sale in a closed package containing not more than one pound by weight no person shall be required to sell less than the whole of such package.

(2) The inspector or person taking any samples of agricultural seeds with the intention of submitting them to examination shall thereupon notify such intention to the seller or his agent or the person having charge of such seeds.

(3) The samples taken from any one lot sampled shall be thoroughly mixed and then divided into three approximately equal parts.

(4)

(4) Each of such parts shall be sealed, or fastened up in such manner as its nature will permit. A label containing the prescribed particulars shall be placed on or attached to each such part. Such label shall be signed by the person taking such sample and may be signed by the seller or agent or person as aforesaid if he wishes to do so. Two of such parts shall be forwarded by the person who has taken the sample to the Department of Agriculture, and one of such parts shall be retained by the seller or agent or person as aforesaid.

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(5) The parts may be delivered to the department either personally by the inspector or person taking the same, or they may be forwarded by post or under seal in any other convenient way. When so forwarded, the certificate of the agrostologist that, on receipt by him, the seal was unbroken, shall be sufficient evidence of the identity of the seeds.

(6) Of the parts forwarded to the department, one shall be for testing both as to purity and percentage of germination, and the other shall be retained by the department.

(7) Where a contravention of the provisions of this Act is proved in regard to any sample taken in accordance with the provisions of this Act, such contravention shall be deemed to have been proved with regard to the whole of the seeds from which such sample was taken.

**10.** (1) The purchaser of any agricultural seeds may be required by an inspector or a person authorised in that behalf by the Minister to state the name and address of the seller from whom he purchased such seeds, and to produce for inspection or retention by the inspector or person so authorised any invoice received in connection therewith and the statement or label written on or attached to the parcel containing such seeds when sold.

Purchaser to  
state name of  
vendor when  
required.

(2) Any person who withholds any such information or fails so to produce such invoice, statement, or label, or obstructs any inspector or person so authorised in the discharge of any of his duties under this Act, shall be guilty of an offence.

**11.** (1) The Minister may order any agricultural seeds which are found to contain noxious weed seeds or weed seeds or impurities to a greater extent than is

Treatment of  
agricultural  
seeds  
containing  
impurities,  
&c.

**George V,  
No. 15.** is permitted by the regulations to be treated or cleaned by the owner or his agent within a specified time, and in the event of such order not being complied with the Minister may order the seeds to be treated or destroyed.

(2) The cost of such treatment or destruction may be recovered by the Minister from the owner or his agent in any court of competent jurisdiction as a debt due by such owner or agent.

*General and supplemental.*

Certificate to  
be evidence.

**12.** (1) In any proceedings under this Act a certificate containing a statement of the result of the examination of any seeds therein referred to, and purporting to be signed by an agrostologist, shall be prima facie evidence of the identity of the seeds which are stated in the certificate to have been examined, and of the result of the examination, without proof of the signature of the person appearing to have signed the same.

(2) When a copy of such a certificate has been served upon a defendant who is charged with the commission of an offence against the provisions of this Act, it shall not be competent for the defendant upon the hearing of the charge to dispute the accuracy of any statement contained in the certificate, unless the defendant, within three clear days after service upon him of the copy of the certificate, or within such further time as the court shall allow, has notified the Department of Agriculture that the accuracy of such statement will be disputed at the hearing of the charge.

(3) Service of the copy of the said certificate may be proved in the same manner as service of the summons.

Onus of  
proof.

**13.** In any proceedings under this Act the onus of proof that any seeds were not offered, exposed, sent, forwarded, or delivered for sale, or that any seeds were not in the defendant's possession for sale, or that any seeds were not intended for planting, shall in every case be on the defendant.

Penalties.

**14.** (1) Any person contravening any of the provisions of this Act when no other penalty is expressly provided shall be liable on conviction to a penalty not exceeding fifty pounds.

(2)

(2) Penalties imposed by this Act or by any regulation made thereunder may be recovered in a summary manner before a stipendiary or police magistrate or any two justices in petty sessions.

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**15.** (1) The Governor may make regulations prescribing— Regulations.

- (a) the species of seeds which shall be deemed to be weed seeds or noxious weed seeds;
- (b) the maximum proportion of weed seeds or impurities that may be mixed with agricultural seeds;
- (c) the minimum percentage of germination of agricultural seeds;
- (d) the method of labelling agricultural seeds;
- (e) the treatment of imported agricultural seeds;
- (f) all such matters as are necessary or expedient for carrying out the provisions of this Act.

(2) Such regulations may impose a penalty not exceeding ten pounds for any breach thereof.

(3) Such regulations shall—

- (i) be published in the Gazette;
- (ii) take effect from the date of publication, or from a later date to be specified in such regulations; and
- (iii) be laid before both Houses of Parliament within fourteen days after publication if Parliament is in session, and if not, then within fourteen days after the commencement of the next session. If either House of Parliament passes a resolution of which notice has been given, at any time within fifteen sitting days after such regulations have been laid before such House disallowing any regulation, or part thereof, such regulation or part shall thereupon cease to have effect.