

Farm Produce (Savings and Transitional) Regulation 1983

[1983-4]



New South Wales

Status Information

Currency of version

Repealed version for 31 August 1997 to 30 June 2008 (accessed 17 July 2024 at 21:45)

Legislation on this site is usually updated within 3 working days after a change to the legislation.

Provisions in force

The provisions displayed in this version of the legislation have all commenced.

Notes—

- **Previously named**
Farm Produce Regulation 1983
- **Repeal**
The Regulation was repealed by Sch 4 to the *Statute Law (Miscellaneous Provisions) Act 2008* No 62 with effect from 1.7.2008.

Authorisation

This version of the legislation is compiled and maintained in a database of legislation by the Parliamentary Counsel's Office and published on the NSW legislation website, and is certified as the form of that legislation that is correct under section 45C of the *Interpretation Act 1987*.

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Contents

| | |
|--|---|
| Part 1 Preliminary | 3 |
| 1 Name of Regulation | 3 |
| 2 Application of Regulation | 3 |
| 3 Definitions | 3 |
| Parts 2, 3 (Repealed) | 3 |
| Part 4 Miscellaneous | 3 |
| 17 Inspection of register | 3 |
| 18 Additional particulars to be contained in register | 3 |
| 19 Period relating to keeping of particulars in register | 4 |
| 20-22 (Repealed) | 4 |
| 23 Fee for inspection of indemnity | 4 |
| 24, 25 (Repealed) | 4 |
| 26 Books etc to be kept by farm produce agents | 4 |
| 27 Books etc to be kept by farm produce merchants | 6 |
| 27A-27D (Repealed) | 8 |
| 28 Details to be included on all documents issued | 9 |
| 29 Computer records | 9 |
| 30 Improper use of books etc | 9 |
| 31 Penalties | 9 |
| Schedule (Repealed) | 9 |

Farm Produce (Savings and Transitional) Regulation 1983



Part 1 Preliminary

1 Name of Regulation

This Regulation may be cited as the *Farm Produce (Savings and Transitional) Regulation 1983*.

2 Application of Regulation

This Regulation applies to and in respect of farm produce sold by a producer before or on 30 June 1997, or sold by a farm produce agent on behalf of a producer before or on 30 June 1997, being farm produce for which payment became or becomes due no later than on 31 July 1997.

3 Definitions

(1) In this Regulation, except in so far as the context or subject-matter otherwise indicates or requires:

the Act means the *Farm Produce Act 1983*.

(2) (Repealed)

Parts 2, 3

4-16A (Repealed)

Part 4 Miscellaneous

17 Inspection of register

For the purposes of section 32 (1) of the Act, the prescribed fee is \$2.

18 Additional particulars to be contained in register

For the purposes of section 32 (2) of the Act, the following particulars are prescribed:

- (a) the address of the place or places comprising the registered office of each licensee,
- (b) the address of each place of business of each licensee,
- (c) particulars of any conviction of a person for an offence referred to in section 10A (1) (a) or (b) of the Act and of which the registrar is aware, and
- (d) particulars, in relation to a licensee, of any ground of which the registrar is aware that would enable the registrar to cancel the licensee's licence.

19 Period relating to keeping of particulars in register

For the purposes of section 32 (3) of the Act, the prescribed period is 6 years.

20-22 (Repealed)

23 Fee for inspection of indemnity

For the purposes of section 46 (1) of the Act, the prescribed fee is \$2.

24, 25 (Repealed)

26 Books etc to be kept by farm produce agents

- (1) Except as provided by subclause (6), a farm produce agent shall keep the following records relating to his business as a farm produce agent:
 - (a) a record of consignments received and sales, being a record showing, in order of receipt, the following particulars of each consignment of farm produce received for sale:
 - (i) the consignor's name and address,
 - (ii) the number of the consignment note which accompanied the farm produce,
 - (iii) the brands or marks (if any),
 - (iv) the description and quantity of farm produce,
 - (v) the date of receipt,
 - (vi) the rates and amounts received for each consignment,
 - (vii) the quantity sold at each such rate,
 - (viii) all deductions made from the amount realised on sale,
 - (b) except in so far as the particulars referred to in this paragraph are included in the record of consignments received and sales, a record of sales, being a record showing the following particulars of each consignment of farm produce received for sale:

- (i) the quantity sold,
 - (ii) the rate or price received for each quantity sold,
 - (iii) the number of the docket issued in respect of the sale,
- (c) a docket book (or 2 docket books, one being for cash sales and the other for credit sales) from which shall be issued to each purchaser of farm produce at the time of purchase a docket for the farm produce purchased showing the following particulars:
- (i) the date of the sale,
 - (ii) the purchaser's name and address or other description of the purchaser by means of which he can be readily identified,
 - (iii) the consignor's name or other description of the consignor by means of which he can be readily identified,
 - (iv) the description and quantity of farm produce purchased,
 - (v) the rate and amount paid for the purchase,
- (d) a credit sales receipt book from which shall be issued to each credit purchaser of farm produce, upon payment of the whole or part of any amount due by him, a receipt for the payment,
- (e) a register of farm produce destroyed or discarded in which shall be entered the following particulars of farm produce destroyed or discarded:
- (i) the consignor's name and address,
 - (ii) the brands or marks (if any),
 - (iii) the description and quantity of farm produce,
 - (iv) the reason for the destruction or discard,
 - (v) a reference to the written direction or written authority of the prescribed officer under section 28 of the Act.
- (f) a record of statements of accounts, being a record of accounts rendered in accordance with section 21 of the Act.
- (2) Entries made in the books and other records specified in subclause (1) shall be made in the English language.
- (3) Except as provided by clause 29, entries made in the record of consignment received and sales shall be made in ink and entries made in the books and other records

specified in subclause (1) shall be made in ink or in indelible pencil.

- (4) The docket book, except as provided by subclause (5), and the credit sales receipt book shall have the dockets or forms of receipt, as the case may be, numbered consecutively in duplicate and the farm produce agent shall, when issuing such a docket or receipt, cause a carbon copy to be made on the duplicate docket or duplicate form of receipt, as the case may be, which shall remain bound in the book concerned.
- (5) It shall be sufficient compliance with subclause (1) (c) and subclause (4) (in so far as that subclause relates to a docket book) if a farm produce agent, in issuing a docket which shows the particulars specified in subclause (1) (c), makes use of a mechanical device or electronic device which records a duplicate of the docket so issued on a roll of continuous stationery contained in the device.
- (6) A farm produce agent is not required to keep a docket book (or docket books) or to issue to each purchaser of farm produce a docket as referred to in subclause (1) (c) in relation to sales made to the public at the Newcastle Regional Markets, Sandgate, after 10.00 am on the last day of the week on which those markets are open for business if the farm produce agent records in relation to each sale the following particulars:
 - (a) the date of the sale,
 - (b) the consignor's name and address or other description of the consignor by means or which the consignor can be readily identified,
 - (c) the description and quantity of farm produce sold,
 - (d) the rate received for the sale.

27 Books etc to be kept by farm produce merchants

- (1) Except as provided by subclauses (6) and (7), a farm produce merchant shall keep the following records relating to his business as a farm produce merchant:
 - (a) a record of purchases and sales, being a record showing, in order of delivery, the following particulars of each consignment of farm produce purchased:
 - (i) the producer's name and address,
 - (ii) the number of the consignment note which accompanied the farm produce,
 - (iii) the brands or marks (if any),
 - (iv) the description and quantity of farm produce,
 - (v) the date of delivery,

- (vi) the date on which and the time at which the purchase price was fixed or agreed to,
 - (vii) the prices paid for the consignment,
 - (viii) the prices at which the consignment is sold,
- (b) except in so far as the particulars referred to in this paragraph are included in the record of purchases and sales, a record of sales, being a record showing, in relation to each consignment of farm produce purchased, the following particulars of each separate sale of the farm produce:
- (i) the quantity sold,
 - (ii) the rate or price charged for each quantity sold,
 - (iii) the number of the docket issued in respect of the sale,
- (c) a docket book (or 2 docket books, one being for cash sales and the other for credit sales) from which shall be issued to each purchaser of farm produce at the time of purchase a docket for the farm produce purchased showing the following particulars:
- (i) the date of the sale,
 - (ii) the purchaser's name and address or other description of the purchaser by means of which he can be readily identified,
 - (iii) the producer's name or other description of the producer by means of which he can be readily identified,
 - (iv) the description and quantity of farm produce purchased,
 - (v) the rate and amount paid for the purchase,
- (d) a credit sales receipt book from which shall be issued to each credit purchaser of farm produce, upon payment of the whole or part of any amount due by him, a receipt for the payment, and
- (e) a record of statements of accounts, being a record of notices forwarded to persons in accordance with section 23 of the Act.
- (2) Entries made in the books and other records specified in subclause (1) shall be made in the English language.
- (3) Except as provided by clause 29, entries made in the record of purchases and sales shall be made in ink and entries made in the books and other records specified in subclause (1) shall be made in ink or in indelible pencil.

- (4) The docket book, except as provided by subclause (5), the credit sales receipt book and the statement of accounts book shall have the dockets, forms of receipt or forms of statement, as the case may be, numbered consecutively in duplicate and the farm produce merchant shall, when issuing such a docket, receipt or statement, cause a carbon copy to be made on the duplicate docket, duplicate form of receipt or duplicate form of statement, as the case may be, which shall remain bound in the book concerned.
- (5) It shall be sufficient compliance with subclause (1) (c) and subclause (4) (in so far as that subclause relates to a docket book) if a farm produce merchant, in issuing a docket which shows the particulars specified in subclause (1) (c), makes use of a mechanical device or electronic device which records a duplicate of the docket so issued on a roll of continuous stationery contained in the device.
- (6) A farm produce merchant to whom the provisions of section 24 (2) of the Act do not apply is not required, in relation to a sale of farm produce received by the farm produce merchant at a place other than Flemington Markets, Sydney:
 - (a) to show, in a record of purchases and sales, particulars relating to the prices at which farm produce is sold, or
 - (b) to keep:
 - (i) a record of sales as referred to in subclause (1) (b),
 - (ii) a docket book (or docket books) as referred to in subclause (1) (c), or
 - (iii) a credit sales receipt book as referred to in subclause (1) (d).
- (7) A farm produce merchant is not required to keep a docket book (or docket books) or to issue to each purchaser of farm produce a docket as referred to in subclause (1) (c) in relation to sales made to the public at the Newcastle Regional Markets, Sandgate, after 10.00 am on the last day of the week on which those markets are open for business if the farm produce merchant records in relation to each sale the following particulars:
 - (a) the date of the sale,
 - (b) the producer's name and address or other description of the producer by means of which the producer can be readily identified,
 - (c) the description and quantity of farm produce sold,
 - (d) the rate received for the sale.

27A-27D (Repealed)

28 Details to be included on all documents issued

A farm produce seller shall include, on any document which, in accordance with the Act or this Regulation, he furnishes to a person:

- (a) his name and any other name under which he trades as a farm produce seller, and
- (b) the number of his licence.

29 Computer records

Nothing in this Regulation prevents a person from keeping or providing particulars (being particulars otherwise required by this Regulation to be shown in a record other than a book) by means of a computer or other mechanical device or electronic device.

30 Improper use of books etc

A person shall not use a book, document or other record required by this Regulation to be kept by him for a purpose other than that specified in this Regulation in relation to the book, document or other record.

31 Penalties

Except as otherwise provided by this Regulation, a person who commits a breach of this Regulation is guilty of an offence and liable to a penalty not exceeding \$1,000.

Schedule (Repealed)