

POTATO GROWERS LICENSING ACT.

Act No. 13, 1940.

An Act to provide for the licensing of potato growers; to provide for the payment of an annual license fee; and for purposes connected therewith. [Assented to, 22nd May, 1940.]

George VI.
No. 13, 1940.

BE

No. 13, 1940.

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

Short title.

1. (1) This Act may be cited as the "Potato Growers Licensing Act, 1940."

(2) This Act shall commence upon a day to be appointed by the Governor and notified by proclamation published in the Gazette.

Definitions.

2. In this Act, unless the context or subject-matter otherwise indicates or requires,—

"License" means a license issued under this Act, and includes a renewed license.

"Prescribed" means prescribed by the regulations.

"Regulations" means regulations made under this Act.

Potato growers to obtain license.

3. (1) After the expiration of a period of three months from the commencement of this Act no person shall use any area of land exceeding one acre or any areas of land exceeding in the aggregate one acre for the production of potatoes unless he has obtained a license under this Act.

Application for license.

(2) Application for a license or for the renewal of a license shall be made in or to the effect of the form prescribed, and shall be accompanied by a fee of ten shillings.

The application shall be made to the Under Secretary, Department of Agriculture, Sydney.

Form and period of license.

(3) A license shall be in or to the effect of the form prescribed, and shall be in force for twelve months from the date of its issue.

A license may be renewed and on each renewal shall take effect for a further period of twelve months.

(4) Any person, not being the holder of a license under this Act, who, after the expiration of the period referred to in subsection one of this section, uses an area of land exceeding one acre or any areas of land exceeding in the aggregate one acre for the production
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of potatoes shall be liable upon summary conviction to a penalty of not less than two pounds and not exceeding one hundred pounds.

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4. (1) The license fees collected and any penalties imposed under this Act shall be paid into a special account at the Treasury.

Application of license fees.

(2) The Colonial Treasurer shall upon the recommendation of the Minister pay out of such special account moneys—

cf. Act No. 38, 1924, s. 19.

- (a) to any society registered under the Co-operation Act, 1923-1938, or any other association or body of persons which to the satisfaction of the Minister will wholly apply such moneys to the promotion of the production, marketing, treatment and sale of potatoes;
- (b) to be used in any other manner which the Minister deems to be best calculated to develop or protect the potato-growing industry.

(3) Any moneys so paid shall be expended for such purposes in furtherance of the interests of the potato growers of New South Wales as, in any particular case, the Minister may approve, or generally as may be prescribed.

(4) The expenditure of any moneys so paid shall be accounted for in such manner as may be prescribed.

5. Every inspector appointed for the purposes of the Plant Diseases Act, 1924, shall be an inspector for the purposes of this Act.

Inspectors.

6. (1) Any inspector or any person authorised in writing in that behalf by the Minister may at all reasonable times enter any land for the purpose of ascertaining whether the provisions of this Act are being complied with.

Powers of inspectors.

(2) Any person who obstructs, hinders, threatens or assaults any inspector or authorised person in the execution of the powers or authorities conferred upon him by this Act shall be liable on summary conviction to a penalty not exceeding fifty pounds.

7.

Potato Growers Licensing Act.**No. 13, 1940.****Recovery of penalties.**

7. Any penalty imposed by this Act or by the regulations may be recovered in a summary manner in any court of petty sessions holden before a stipendiary or police magistrate.

Evidence.

8. In any proceedings taken against any person for a contravention of this Act, the averment of the prosecutor that the defendant was not at the time of the commission of the alleged offence the holder of a license issued under this Act shall be deemed to be proved in the absence of proof to the contrary.

Regulations.

9. (1) The Governor may make regulations not inconsistent with this Act prescribing all matters which by this Act are required or permitted to be prescribed or which are necessary or convenient to be prescribed for carrying out or giving effect to this Act.

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

(3) The regulations shall—

- (a) be published in the Gazette;
- (b) take effect from the date of publication or from a later date to be specified therein; and
- (c) be laid before both Houses of Parliament within fourteen sitting days after publication if Parliament is in session, and if not, then within fourteen sitting 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.