

[CONFIDENTIAL.]

(Rough Draft for Consideration Only.)

No. , 1919.

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## A BILL

To regulate the sale of agricultural seeds;  
and for purposes consequent thereon and  
incidental thereto.

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**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.*

**1.** This Act may be cited as the "Agricultural Seeds Act, 1919." This Act shall commence and come into operation on the                      day of                      , one thousand nine hundred and nineteen.

Short title  
and com-  
mencement.

**2.**

**2.** In this Act, unless inconsistent with the context or subject matter, the following expressions and words have the meanings set against them respectively :—

Definition.

“Agricultural seeds” means all farm and garden seeds which are sold for the purposes of planting, except flower seeds, and includes vegetable seeds.

“Agrostologist” means the Agrostologist employed by the Department of Agriculture.

“Department of Agriculture” means Department of Agriculture of the State of New South Wales.

“Guaranteed pure seed” means any agricultural seed the purity and viability of which is in accordance with the Schedule hereto as amended by regulation from time to time.

“Impurities” means ergot, dirt, diseased or broken seeds, and other inert matter.

“Inspector” means inspector appointed under this Act.

“Minister” means “Minister for Agriculture.”

“Noxious weed seeds” means the seeds of all weeds the names of which are contained in the First Schedule hereto as amended by regulation from time to time.

“Parcel” includes sack, bag, barrel, case, package, and any other receptacle.

“Seedsman” includes any person other than a farmer who sells or exposes or offers for sale any agricultural seeds, and includes any agent of such person.

“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.** (1) The sale of mixed agricultural seeds is hereby prohibited.

Mixed seeds.

(2) The sale of lucerne seed containing dodder is hereby prohibited.

Sale of lucerne seed containing dodder prohibited.

**4.**

**4.** (1) A seedsman shall not sell, offer or expose for sale any agricultural seeds unless every parcel containing such seeds bears a conspicuous label or inscription showing the following information :—

Sale of agricultural seeds.

- (a) Full name and address of the seller.
- (b) The botanical specific name of the seed and the recognised common name corresponding thereto in the case of all grasses and clovers, and either of the aforesaid names in the case of all other agricultural seeds ; and
- (c) the words “ guaranteed pure seed.”

(2) Such information shall constitute a warranty that the purity and viability of the seed are in accordance with this Act and the regulations thereunder.

**5.** Any seedsman who sells, offers or exposes for sale any agricultural seeds containing weed seeds, noxious weed seeds, or impurities in a greater proportion than prescribed by the Second Schedule to this Act, or the viability or percentage of germination of which is lower than that prescribed by the said Schedule, shall be liable to a penalty not exceeding *fifty* pounds for the first offence, and not exceeding *one hundred* pounds for each subsequent offence.

Agricultural seeds to be in accordance with Schedules.

**6.** Agricultural seeds other than those grown in the State of New South Wales before being sold, offered or exposed for sale in New South Wales, shall, for the purpose of identification, be treated in the manner prescribed by regulations under this Act.

Imported agricultural seeds.

**7.** This Act shall not apply to agricultural seeds which are sold direct to seedsmen to be cleaned or graded before being offered for sale for the purpose of planting.

Agricultural seeds sold for purpose of cleaning exempted.

*Inspection, sampling, and testing.*

**8.** The Governor may appoint inspectors for the purposes of this Act.

Inspectors.

**9.**

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

Power of inspectors, &c., to enter, examine, take samples, &c.

- (a) shall have free access at any reasonable time to any wharf, boat, building, premises, or land where agricultural seeds are sold, kept, offered, or exposed for sale ;
- (b) may examine and on payment of the current market price therefor take as samples for testing any such agricultural seeds or portions of any parcel thereof in or on any such wharf, boat, building, premises, or land, or in any vehicle :

Provided that where agricultural seeds are kept for retail sale in a closed package no person shall be required to sell, for the purpose of testing, less than the whole of such package.

(2) The inspector or person taking or obtaining any samples of agricultural seeds with the intention of submitting them to analysis shall thereupon notify such intention to the vendor or his agent or the person having charge of such agricultural seeds. Such samples shall be taken from parcels aggregating not less than ten per centum of each whole lot sampled.

(3) The samples taken from any one kind of agricultural seeds shall be thoroughly mixed and then divided into three approximately equal parts.

(4) Each of such parts shall be sealed, or fastened up in such manner as its nature will permit. A label shall be placed on each such part stating the name of the vendor or the person having the possession of the seeds from which such samples were taken and the time and place of taking. Such label shall be signed by the person taking such sample and also, where practicable, by the vendor or person having charge of the seeds from which such samples were taken. Two of such parts shall be forwarded by the person who has taken the sample to the Under Secretary and Director, Department of Agriculture, and one shall be retained by such vendor or by the person having charge of the seeds from which the sample was taken.

(5)

(5) Of the parts forwarded to the said department, one shall be for testing both as to purity and viability, and the other shall be retained by the said department.

(6) In any prosecution or proceeding under this Act, where a contravention of any of the provisions of this Act is proved in regard to any sample of agricultural seeds 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 any inspector or any person authorised in that behalf by the Minister to state the name and address of the vendor from whom he purchased such agricultural seeds and the price charged or paid therefor, and also to produce for inspection any invoice received from the vendor in connection therewith.

Purchaser to state name of vendor when required.

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

**11.** (1) The Minister may order any agricultural seeds which are found to contain noxious weed seeds or other weed seeds or impurities to a greater extent than prescribed in the Second Schedule hereto 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 during the period stated the Minister may order the seeds to be destroyed by an inspector.

Treatment of agricultural seeds containing impurities, &c.

(2) The cost of such treatment or destruction shall be paid for by the owner or his agent.

*General and supplemental.*

**12.** In any proceedings against any person for an offence against this Act the production of the certificate purporting to be signed by the agrostologist shall, where a copy of such certificate containing a statement of the result of the examination has been served with the summons,

Certificate to be evidence.

summons, be sufficient evidence of the identity of the seeds examined and of the result of the examination without proof of the signature of the person appearing to have signed the same unless the defendant, within seventy-two hours after the service of the summons, has notified the Department of Agriculture that he requires that the agrostologist shall be called as a witness, and that the parts of the sample in the possession respectively of the said department or of the vendor or his agent as hereinbefore mentioned, shall be produced. Service of the copy of the said certificate may be proved in the same manner as service of the summons.

**13.** (1) Any person contravening any of the provisions of this Act for the contravention of which no specific penalty has been imposed shall be liable on conviction to a penalty not exceeding *fifty* pounds. Penalties.

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

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

- (a) the species of weeds which shall, for the purposes of this Act, be deemed to be noxious weeds;
- (b) the maximum proportion of noxious weed seeds and of other weed seeds or impurities that may be allowed in agricultural seeds;
- (c) the minimum viability or percentage of germination that may be allowed in agricultural seeds;
- (d) the method of labelling agricultural seeds and prohibiting agricultural seeds being labelled otherwise than as true to specific name;
- (e) the kinds of imported agricultural seeds to be treated for the purpose of identification and the manner of treatment; and
- (f) generally for carrying out the provisions of this Act.

(2) Such regulations may impose penalties not exceeding *ten* pounds for any offence against this Act or regulations made thereunder. (3)

- (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 at any time within fifteen sitting days after such regulations have been laid before such House disallowing any regulation, such regulation shall thereupon cease to have effect.

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## SCHEDULES.

### FIRST SCHEDULE.

THE following are, for the present, classified as noxious weeds, but the list may be added to as occasion arises :—

Argemone mexicana ...	...	Mexican Poppy.
Carthamus spp. ...	...	} Thistles.
Centaurea spp. ...	...	
Cnicus spp. ...	...	
Cuscuta sp. ...	...	Dodder.
Echium plantagineum ...	...	Paterson's Curse ; Blueweed.
Gilia squarrosa ...	...	Californian Stinkweed.
Hypericum perforatum ...	...	St. John's Wort.
Inula graveolens ...	...	Stinkwort.
Lactuca scariola ...	...	Prickly Lettuce.
Polygonum aviculare...	...	Wire weed.
Polygonum persicaria ...	...	Smart weed.
Rumex acetosella ...	...	Sorrel.
Rumex sp. ...	...	Dock.

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SECOND

SECOND SCHEDULE.

Table showing the maximum percentage (by count) of noxious weed seeds, and weed seeds and impurities, and the minimum percentage of viability or germination, allowed in agricultural seeds.

Agricultural seeds.	Maximum percentage (by count) allowed of noxious weeds.	Maximum percentage (by count) allowed of weed seeds and impurities.	Minimum percentage allowed of viability or germination.
Barley ... ..	$\frac{1}{2}$	1	80
Beans (broad) ... ..	0	$\frac{1}{2}$	90
" (Soy) ... ..	0	$\frac{1}{2}$	85
" (French) ... ..	0	$\frac{1}{2}$	90
" (Mauritius) ... ..	0	$\frac{1}{2}$	60
" (others) ... ..	0	$\frac{1}{2}$	80
Beets (balls) ... ..	0	1	100
Borecole ... ..	0	1	75
Brussels Sprouts ... ..	0	1	75
Broccoli ... ..	0	1	65
Cabbage ... ..	0	1	70
Cauliflower ... ..	0	1	65
Carrot ... ..	0	2	65
Celery ... ..	0	2	60
Chicory ... ..	0	1	60
Clovers, medics, &c.—			
Alsike clover ... ..	$\frac{1}{2}$	4	75
Crimson clover ... ..	$\frac{1}{2}$	2	80
Egyptian clover ... ..	$\frac{1}{2}$	3	70
Red and Cow grass clover ... ..	$\frac{1}{2}$	3	75
Strawberry clover ... ..	$\frac{1}{2}$	2	40
Subterranean clover ... ..	$\frac{1}{2}$	2	75
White clover ... ..	$\frac{1}{2}$	4	75
Japanese clover ... ..	$\frac{1}{2}$	2	40
Bokhara or Sweet clover (Melilotus alba).	$\frac{1}{2}$	3	45
Hexham Scent (Melilotus indica).	$\frac{1}{2}$	3	35
Melilotus officinalis ... ..	$\frac{1}{2}$	3	35
Button clover (Medicago orbicularis).	$\frac{1}{2}$	2	50
Burr clover (Medicago denticulata).	$\frac{1}{2}$	3	70
English Trefoil (Medicago lupulina).	$\frac{1}{2}$	2	75
Birdsfoot Trefoil (Lotus major)	$\frac{1}{2}$	2	60
(Lotus corniculatus) ... ..	$\frac{1}{2}$	2	60
Cowpeas ... ..	0	$\frac{1}{2}$	85



SECOND SCHEDULE—continued.

Agricultural seeds.	Maximum percentage (by count) allowed of noxious weeds.	Maximum percentage (by count) allowed of weed seeds and impurities.	Minimum percentage allowed of viability or germination.
Cress, Garden ( <i>Lepidium sativum</i> )	$\frac{1}{2}$	2	75
Cress, Water ( <i>Nasturtium officinalis</i> ).	$\frac{1}{2}$	2	50
Cucumber ... ..	0	$\frac{1}{2}$	70
Cummin ... ..	$\frac{1}{2}$	2	...
Egg Plant ( <i>Solanum melogena</i> ) ...	$\frac{1}{2}$	2	55
Endive ... ..	$\frac{1}{2}$	2	55
Fenugreek ... ..	$\frac{1}{2}$	2	...
Grasses—			
<i>Agrostis</i> spp. (Red Top) ...	$\frac{1}{2}$	2	50
<i>Alopecurus pratensis</i> . (Meadow Foxtail).	$\frac{1}{2}$	2	50
<i>Anthoxanthum odoratum</i> (Sweet-scented Vernal).	$\frac{1}{2}$	2	45
<i>Bromus inermis</i> (Hungarian Brome).	$\frac{1}{2}$	2	65
<i>Bromus unioloides</i> (Prairie) ...	0	1	65
<i>Cynodon dactylon</i> (Couch) ...	$\frac{1}{2}$	2	20
<i>Cynosurus cristatus</i> (Crested Dog's-tail).	$\frac{1}{2}$	2	50
<i>Chloris gayana</i> (Rhodes) ...	$\frac{1}{2}$	1	30
<i>Dactylis glomerata</i> (Cocksfoot)..	$\frac{1}{2}$	2	50
<i>Danthonia</i> spp. (Wallaby or White Top).	$\frac{1}{2}$	2	35
<i>Festuca elatior</i> (or <i>arundinacea</i> ) (Tall Fescue or Giant Fescue).	$\frac{1}{2}$	2	60
<i>F. duriuscula</i> (Hard Fescue) ...	$\frac{1}{2}$	2	45
<i>F. ovina</i> (Sheep's Fescue) ...	$\frac{1}{2}$	2	45
<i>F. rubra</i> (Red Fescue)... ..	$\frac{1}{2}$	2	45
<i>F. pratensis</i> (Meadow Fescue)...	$\frac{1}{2}$	2	50
<i>Lolium italicum</i> (Italian Rye)...	$\frac{1}{2}$	2	65
<i>L. perenne</i> (Perennial Rye) ...	$\frac{1}{2}$	2	65
<i>L. westernwoldicum</i> (Western-wolth's Rye).	$\frac{1}{2}$	2	65
<i>Paspalum dilatatum</i> ... ..	$\frac{1}{2}$	1	35
<i>Poa nemoralis</i> (Wood meadow grass).	$\frac{1}{2}$	2	35
<i>Poa pratensis</i> (Kentucky Blue)	$\frac{1}{2}$	2	40
<i>Poa trivialis</i> (Rough-stalked meadow grass).	$\frac{1}{2}$	2	40
<i>Phalaris bulbosa</i> ... ..	$\frac{1}{2}$	2	55

SECOND SCHEDULE—*continued.*

Agricultural Seeds.	Maximum percentage (by count) allowed of noxious weeds.	Maximum percentage (by count) allowed of weed seeds and impurities.	Minimum percentage allowed of viability or germination.
<i>Grasses—continued.</i>			
P. canariensis (Canary grass) ...	$\frac{1}{2}$	2	60
Phleum pratense (Timothy grass).	$\frac{1}{2}$	2	65
Sudan grass ... ..	$\frac{1}{2}$	1	70
Tricholena roseá (Natal Red Top).	$\frac{1}{2}$	1	60
Lettuce ... ..	0	1	75
Linseed ... ..	$\frac{1}{2}$	2	65
Lucerne ... ..	$\frac{1}{2}$ (dodder excepted).	2	75
Hemp ... ..	$\frac{1}{2}$	1	65
Leek ... ..	0	1	65
Maize ... ..	0	$\frac{1}{2}$	80
Mangel (balls) ... ..	0	1	100
Marjoram ... ..	$\frac{1}{2}$	2	50
Marrow ... ..	0	$\frac{1}{2}$	80
Millet (Japanese) ... ..	$\frac{1}{4}$	2	70
„ (Broom) ... ..	$\frac{1}{2}$	1	75
„ (Common) ... ..	$\frac{1}{2}$	2	65
„ (Hungarian) ... ..	$\frac{1}{2}$	2	60
„ (Pearl) ... ..	$\frac{1}{2}$	2	45
„ (Red) ... ..	$\frac{1}{2}$	2	50
Mustard (Black) ... ..	$\frac{1}{2}$	2	75
„ (White) ... ..	$\frac{1}{2}$	2	75
Oats ... ..	0	1	75
Onion ... ..	0	1	55
Parsley ... ..	$\frac{1}{2}$	2	50
Parsnip ... ..	0	1	55
Peas ... ..	0	$\frac{1}{2}$	85
Radish ... ..	0	1	70
Rape ... ..	$\frac{1}{2}$	2	75
Sage ... ..	$\frac{1}{2}$	2	50
Rock Melon ... ..	0	$\frac{1}{2}$	70
Rhubarb ... ..	0	$\frac{1}{2}$	60
Rye ... ..	$\frac{1}{2}$	1	80
Sainfoin ... ..	$\frac{1}{2}$	1	65
Sheep's Burnet ... ..	0	1	60
Sorghum (Saccharine) ... ..	0	1	65
„ (Grain) ... ..	0	1	60
Spinach ... ..	0	1	45
Squash ... ..	0	$\frac{1}{2}$	70

SECOND SCHEDULE—*continued.*

Agricultural Seeds.	Maximum percentage (by count) allowed of noxious weeds.	Maximum percentage (by count) allowed of weed seeds and impurities.	Minimum percentage allowed of viability or germination.
Swede ... ..	0	1	65
Tares ... ..	0	1	70
Teosinte ... ..	$\frac{1}{2}$	1	60
Thyme ... ..	$\frac{1}{2}$	2	35
Tobacco ... ..	$\frac{1}{2}$	2	50
Tomato ... ..	0	1	60
Turnip ... ..	0	1	65
Vetch (Kidney) ... ..	0	1	35
Wheat ... ..	$\frac{1}{2}$	1	75