

# I.

## PUBLIC ACTS

OF THE

### PARLIAMENT OF QUEENSLAND,

5° AND 6° GEO. VI.

#### ACCOMMODATION FOR WORKERS

*See* LABOUR

#### ADOPTION OF CHILDREN

*See* CHILDREN

#### AGRICULTURE

An Act to Amend "The Seeds Act of 1937" in certain particulars, and for other purposes.

5 GEO. VI.  
No. 15.  
THE  
SEEDS ACT  
AMENDMENT  
ACT OF  
1941.

[ASSENTED TO 20TH NOVEMBER, 1941.]

**B**E it enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Assembly of Queensland in Parliament assembled, and by the authority of the same, as follows:—

1. (1.) This Act may be cited as "*The Seeds Act Amendment Act of 1941*," and shall be read as one with \*"*The Seeds Act of 1937*," herein referred to as the Principal Act.

Short title  
and  
construction.

(2.) The Principal Act and this Act may be collectively cited as "*The Seeds Acts, 1937 to 1941*."

Collective  
title.

(3.) This Act, except sections two, six, seven, eight, fourteen, and twenty hereof, shall come into operation on a date to be proclaimed by the Governor in Council by Proclamation published in the *Gazette*, which date is herein referred to as the commencement of this Act.

Commence-  
ment of  
Act.

Sections, two, six, seven, eight, fourteen, and twenty of this Act shall come into operation on the day on which this Act shall receive the Royal Assent.

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\* 1 G. 6 No. 23, 1937 Sess. v., p. 16467.

*Amendments of the Principal Act.*

Amendment  
of s. 3.

2. Section three of the Principal Act is amended as follows :—

(a) The following definition “Affix” is inserted therein before the definition “Brand,” namely :—

Affix.

“ “Affix” (with its derivatives) — Legibly, securely, and durably affix or brand or print or stamp or stencil.”

(b) The following definitions “Certified seed,” “Committee,” and “Disease” are inserted therein after the definition “Brand,” namely :—

Certified  
seed.

“ “Certified seed” — Seeds and other parts of plants used for propagation purposes authorised under this Act to be sealed and labelled as certified seed and which are so sealed and labelled under and in accordance with this Act ;

Committee.

“ “Committee”—The Seed Certification Committee constituted under this Act ;

Disease.

“ “Disease”—Any abnormality or feature affecting any crop or product thereof or any insect, mite, nematode, fungus, bacterium, virus, or any prescribed organism in any stage of development which is prescribed to be a disease. Different diseases may be prescribed with respect to different crops or products thereof.”

(c) The word “stencil” is inserted therein after the word “brand” in the definition “Label,” where such lastmentioned word twice occurs.

(d) The words “seed certification officer” are inserted after the word “inspector” in the definition “Officer” therein.

(e) The words “the term where necessary also means and includes certified seed” are added to the definition “Seeds” therein.

(f) The following definition “Sub-committee” is inserted after the definition “Seed specialist,” namely :—

Sub-  
committee.

“ “Sub-committee”—A Seed Certification Sub-committee constituted under this Act.”

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**3.** Paragraph (f) of subsection one of section four of the Principal Act is repealed and the following paragraphs lettered (f) to (h), inclusive, are inserted in lieu thereof, namely :— Amendment of s. 4 (1).

- “(f) Hybrids ; and/or
- (g) Kind, variety, or strain ; and/or
- (h) Freedom from disease,”.

**4.** Section five of the Principal Act is amended as follows :— Amendment of s. 5.

(a) In the third paragraph thereof the words “ kind or kinds ” are repealed and the words “ hybrid, kind, variety and/or strain ” are inserted in lieu of such repealed words.

(b) In the fourth paragraph thereof the words “ kind or kinds ” are repealed and the words “ hybrid, kind, variety and/or strain of seeds ” are inserted in lieu of such repealed words.

(c) In the fifth paragraph thereof the words “ kind or kinds ” are repealed and the words “ hybrid, kind, variety and/or strain of seeds ” are inserted in lieu of such repealed words.

(d) In the sidenote thereto the word “ in ” is repealed and the word “ on ” is inserted in lieu thereof.

**5.** The word “ stencil ” is inserted after the word “ label ” wherever such lastmentioned word occurs in subsection three of section six of the Principal Act. Amendment of s. 6 (3).

**6.** The following section, numbered 6A, is inserted after section six of the Principal Act, namely :— New s. 6A.

“ [6A.] There is hereby constituted a Committee to be called “ The Seed Certification Committee ” (which Committee is in this Act called “ the Committee ”). Seed Certification Committee.

The Committee shall consist of not more than seven officers of the Department of Agriculture and Stock appointed by the Minister by a notice published in the *Gazette*. Members of the Committee.

The Minister shall in the notice appointing the members of the Committee or in a later notice appoint one of the members of the Committee to be the chairman thereof.”

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New s. 6B.

7. The following section, numbered 6B, is inserted after section 6A of the Principal Act as previously inserted by this Act, namely :—

Appoint-  
ment of  
Seed  
Certification  
Sub-  
committees.

“[6B.] (1.) The Minister may from time to time by a notice published in the *Gazette* appoint such and so many Sub-committees as he shall think necessary for the purposes of this Act.

Each Sub-committee shall be called “The [Designation of Seeds] Seed Certification Sub-committee.”

In this Act the term “Sub-committee” means a Sub-committee referred to in this subsection.

Membership  
of Sub-  
committee.

(2.) (a) Each Sub-committee shall consist of four members, each of whom shall be appointed by the Minister by a notice published in the *Gazette* and who may be so appointed in the notice appointing the Sub-committee or in a later notice :

Provided that the Seed Specialist and at least one other member of the Committee shall be appointed to each Sub-committee.

The Minister shall in the notice appointing the members of a Sub-committee or in a later notice appoint one member to be the chairman thereof.

(b) The Minister may appoint the same person to be a member of two or more Sub-committees.

(c) Any officer employed in the Department of Agriculture and Stock or, with the prior approval of the Secretary for Public Instruction, any officer employed in the Department of Public Instruction, shall be eligible for appointment to a Sub-committee or Sub-committees, but this paragraph shall not be read or construed so as to limit the power of the Minister to make appointments to Sub-committees.

(d) Members of the Committee and of any Sub-committee shall hold office at the pleasure of the Minister, but the term of office of any such member shall not exceed two years : provided that he shall be eligible for reappointment.”

New ss. 6c  
and 6D.

8. The following sections, numbered 6c and 6D, are inserted after section 6B of the Principal Act, as previously inserted by this Act, namely :—

Acting  
members of  
the  
Committee  
or Sub-  
committee.

“[6c.] In the event of a vacancy in any office of the Committee or of any Sub-committee or of the illness or absence of the holder of any such office, the Minister shall appoint such person as

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he thinks fit to act as a member of the Committee or of such Sub-committee during such vacancy or while such holder is so absent or ill, as the case may be, and such person shall while he so acts as a member of the Committee or of such Sub-committee have the like powers and authorities as the member in whose place he acts :

Provided that, in any case where the same person holds office as a member of the Committee and of one or more Sub-committees, the Minister may in any such event appoint one person to act in all such offices or different persons to act in any one or more such offices :

Provided further, that in the case of the chairman, the Minister may in any such event appoint another member of the Committee or of a Sub-committee to act as chairman and a person to act in the place of such other member while he is acting as chairman.

[6D.] (1.) The Committee shall meet at such times and places and conduct its business in such manner as may be prescribed or, in so far as not prescribed, as it shall decide. Business.

(2.) The Seed Specialist shall be registrar and executive officer of the Committee. Registrar and executive officer.

(3.) A Sub-committee shall meet at such times and places and conduct its business in such manner as may be prescribed or, in so far as not prescribed, as it may, subject to any direction by the Committee, decide.

(4.) Not less than one half of the whole number of members for the time being of the Committee shall form a quorum at any meeting. Quorum.

Two members of a Sub-committee shall form a quorum at any meeting.

(5.) In the absence of the chairman the acting chairman (if any) of the Committee or any Sub-committee shall preside at a meeting thereof.

If the chairman is absent and there is no acting chairman or the appointed acting chairman is also absent the Committee or Sub-committee may elect a member who is present to preside.

The person presiding at any meeting of the Committee or any Sub-committee (whether the chairman, acting chairman, or a person elected to so preside) shall have a deliberative vote and, in the event of an equality of votes, a casting vote as well."

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New s. 6E.

9. The following section, numbered 6E, is inserted after section 6D of the Principal Act as previously inserted by this Act, namely :—

Powers and  
duties of the  
Committee  
and each  
Subs  
committee.

“[6E.] (1.) The Committee shall have power and authority to properly certify seeds for planting or sowing with respect to—

- (i.) Hybrid ;
- (ii.) Kind, variety, or strain ; and
- (iii.) Freedom from disease,

of the relative crop plants, and/or with respect to other prescribed matters or things.

(2.) A Sub-committee shall assist the Committee in the doing and executing of its powers, authorities, and duties under this Act, and shall be subject to any specific directions thereof.

(3.) Without limit to the generality of the powers and authorities conferred upon it by this Act the Committee—

- (i.) May at its absolute discretion approve or disapprove of any crop or crops for the purposes of the production of certified seed, and may if it so approves determine the procedure to be carried out (in so far as such procedure is not prescribed) and the procedure so prescribed or determined may differ in relation to different crops and/or different districts ;
- (ii.) Subject to the prescribed conditions, may regulate and control (which power to regulate and control shall include power to prohibit) the planting or sowing, growing, and harvesting of crops for the purposes of producing certified seed and the carrying-out by seed certification officers of trials respecting any such crop ;
- (iii.) May by public notice call for applications from persons other than seed certification officers to plant or sow, grow, and/or harvest any crop for the purpose of producing the certified seed named in such notice.”

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**10.** The following section, numbered 6F, is inserted New s. 6F. after section 6E of the Principal Act as previously inserted by this Act, namely :—

“[6F.] (1.) (a) No person shall plant or sow any crop for the purpose of producing certified seed unless the area in which such seed is to be planted or sown shall first have been registered. Registration of area to grow crop for the production of certified seed.

(b) Application for such registration shall be made to the registrar, and shall be so made before the prescribed date, which date may differ in respect of different crops and/or districts.

(c) Where any person desires to plant or sow two or more separate areas with any crop for the purposes of producing certified seed he shall make a separate application for registration under this section for each such area.

(2.) Every applicant for registration under this section shall comply with all such conditions as may be prescribed, which conditions may include a term of probation for any prescribed period and may differ in respect of different crops and/or districts. Applicant to comply with prescribed conditions.

(3.) An application for registration under this section shall set out— Particulars of application for registration.

(i.) The name and address of the applicant in full; and

(ii.) The area and description of the land concerned; and

(iii.) Particulars of crops grown on the land concerned during the preceding three years; and

(iv.) Such other matters as may be prescribed.

If the form of such application is prescribed, the application shall be in such prescribed form or to the like effect.

(4.) Every area for which registration is applied for under this section shall be subject to inspection and report to the Committee as to its suitability or otherwise for growing the crop mentioned in the application for the purpose of producing certified seed. Area to be subject to inspection.

(5.) The registrar shall register each area for which registration is granted by the Committee under this section and allot thereto a registered area number. Registration of area.

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The registrar shall keep a register of all such areas and shall enter therein—

- (i.) The registered area number ; and
- (ii.) The name and address of the applicant for registration ; and
- (iii.) The area and description of the land contained in the registered area ; and
- (iv.) Such other matters as may be prescribed.

Boundaries  
of district.

(6.) The boundaries of any district within which and/or the area of any land in any district upon which any crop may be planted or sown for the purpose of producing certified seed may be limited as prescribed, which limitations may differ in respect of different districts and/or different crops.

Power of  
Committee  
as to  
registration  
and  
certification.

(7.) The Committee may at its absolute discretion and without assigning any reason—

- (a) Register or refuse to register any area under this section ; and/or
- (b) Certify or refuse to certify any seeds.

(8.) Notwithstanding anything contained in this section, any area selected and approved by the Committee for the purpose of the production of certified seed by the Department of Agriculture and Stock or the Department of Public Instruction shall be deemed to be a registered area for the purposes of this Act and shall be registered by the registrar as such.”

New s. 6g.

11. The following section, numbered 6G, is inserted after section 6F of the Principal Act as previously inserted by this Act, namely :—

Prohibited  
practices  
in relation  
to planting  
or sowing,  
&c., crops  
for pro-  
ducing  
certified  
seed.

“[6G.] (1.) No person shall plant or sow, grow or harvest any crop for the purpose of producing certified seed—

- (a) Upon any area which is infested with any prescribed prohibited seeds, plants, and/or diseases ; or
- (b) Unless the area upon which such crop is planted or sown, grown, or harvested is isolated as prescribed from land infested with any prescribed seeds, plants, and/or diseases.



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(2.) (a) No person shall harvest, thresh, clean, machine dress, or otherwise treat any seeds for sale or intended by him for sale as certified seed except under the supervision of an inspector or seeds certification officer. Moreover, notice of intention so to do shall be given by such person as prescribed.

Harvesting,  
&c., to be  
under  
supervision.

Different such notices may be prescribed in relation to seeds of different hybrids, kinds, varieties, strains, and/or freedom from disease.

(b) The provisions of this subsection shall not apply to such seeds as may be prescribed from time to time."

**12.** The following section, numbered 6H, is inserted after section 6G of the Principal Act as previously inserted by this Act, namely :—

New s. 6H.

"[6H.] (1.) Every package of certified seed shall have affixed thereto or thereupon—

Sealing,  
labelling,  
and  
stencilling  
of certified  
seed.

(i.) The prescribed seal ; and

(ii.) The prescribed label ; and

(iii.) (In any prescribed case) the prescribed stencil.

Such label, seal, and (in any prescribed case) stencil shall be so affixed by or under the supervision of an inspector or a seed certification officer.

(2.) The label mentioned in subsection one of this section shall set forth in the prescribed manner or, in so far as not prescribed, legibly and indelibly—

(i.) The words " Queensland Certified Seed " ; and

(ii.) The following particulars respecting the seeds, namely :—

(a) Descriptive particulars relative to hybrid, kind, variety, strain, and/or freedom from disease, and

(b) The season in which grown, and

(c) Number and date of purity and germination certificate (if any), and

(d) Net weight when packed ; and

(iii.) The signature of the inspector or seed certification officer by or under the supervision of whom the label was affixed ; and

(iv.) The registered area number ; and

(v.) Such other matters as may be prescribed.

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(3.) In any prescribed case a further label setting forth all or, according as prescribed, any of the information and particulars mentioned in subsection two of this section shall be inserted in a package of certified seed by the inspector or seed certification officer by or under the supervision of whom the label required by this section is affixed to or upon such package.

(4.) The stencil mentioned in subsection one of this section shall set forth in the prescribed manner or, in so far as not prescribed, legibly and indelibly—

- (i.) The words “Queensland Certified Seed”; and
- (ii.) Descriptive particulars relative to hybrid, kind, variety, strain, and/or freedom from disease; and
- (iii.) Registered area number; and
- (iv.) Such other matters as may be prescribed.

(5.) The seal mentioned in subsection one of this section shall set forth in the prescribed manner and, in so far as not prescribed, legibly and indelibly the letters “D.A.Q.” and on the reverse side a broad arrow and the sequence number of the sealing pliers used by the inspector or seed certification officer by or under the supervision of whom such seal is affixed.

(6.) Fees for affixing or supervising the affixing of the prescribed seal, label, and (in any prescribed case) stencil shall be as prescribed.”

New s. 6J.

**13.** The following section, numbered 6J, is inserted after section 6H of the Principal Act, as previously inserted by this Act, namely:—

Identifica-  
tion of  
seeds before  
certification.

“[6J.] Before the prescribed seal, label, and (in any prescribed case) stencil are affixed to or upon any package of seeds for the purpose of certifying such seeds the grower of the crop from which such seeds were produced shall give to the inspector or seed certification officer a statement in the prescribed form signed and witnessed as prescribed—

- (i.) Identifying the area upon which the crop from which such seeds were produced was grown; and
- (ii.) Certifying that the package referred to in such declaration contains seeds which are exclusively the product of the crop grown on the area so identified.

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Any person who gives to an inspector or seed certification officer any such statement which is false in a material particular shall be liable to a penalty of not more than fifty pounds."

14. The following paragraph is added to subsection one of section seven of the Principal Act, namely:— Amendment of s. 7 (1).

"Any officer of the Department of Agriculture and Stock or, with the prior approval of the Secretary for Public Instruction, any officer of the Department of Public Instruction, may be appointed a seed certification officer, and any officer of the Department of Public Instruction who is so appointed may hold such appointment in conjunction with any office for the time being held by him in such lastmentioned Department."

15. The following subsection, numbered (1A), is inserted after subsection one of section eight of the Principal Act, namely:— Amendment of s. 8.

"(1A.) Any officer authorised in that behalf or any inspector shall—

- (a) Remove or obliterate every seal, label, and/or stencil prescribed for the purpose of certifying seeds affixed to any package of seeds found opened and exposed for sale;
- (b) If thereunto instructed in writing by the Seed Specialist, remove or obliterate every seal, label, and/or stencil prescribed for the purpose of certifying seeds affixed to any package of seeds which do not comply with every relevant provision of this Act relating to certified seed."

16. The following section, numbered 8A, is inserted after section eight of the Principal Act, namely:— New s. 8A.

"[8A.] Any inspector or seed certification officer may— Further powers of inspectors and seed certification officers.

- (i.) Subject as prescribed, supervise the cultivation (whether before or after planting or sowing) of any area which has been registered for the purposes of producing certified seed, the planting or sowing, growing, and harvesting of the crop upon such area, the packing, cleaning, and any machine dressing of the seeds produced from such crop, and the sealing, labelling, and (in any prescribed case) stencilling of every package containing such seeds;

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- (ii.) Enter and inspect any place which is, or which he reasonably believes to be, an area which has been registered for the purpose of producing certified seed, or for which an application for registration has been made ;
- (iii.) Inspect any crop or plants growing upon any area mentioned in paragraph (ii.) of this section ;
- (iv.) Remove for analysis and/or examination and/or trial portions or samples of seeds or plants or parts of plants the produce of any crop upon any area mentioned in paragraph (ii.) of this section ;
- (v.) Rogue the crop upon any area mentioned in paragraph (ii.) of this subsection and remove or cause to be removed all or any plants that do not comply with the standard prescribed ;
- (vi.) Remove and destroy or cause to be removed and destroyed such plants from any area mentioned in paragraph (ii.) of this subsection as are necessary for the effective control of disease."

New s. 8B.

**17.** The following section, numbered 8B, is inserted after section 8A of the Principal Act previously inserted by this Act, namely :—

Grower to  
notify sales  
of seed.

"[8B.] Every grower of certified seed shall where prescribed give to the registrar the prescribed notice of every sale of certified seed grown by him and such notice shall set out—

- (i.) The name and address of the purchaser ; and
- (ii.) The date of the sale ; and
- (iii.) The quantity sold."

New s. 8C.

**18.** The following section, numbered 8C, is inserted after section 8B of the Principal Act as previously inserted by this Act, namely :—

Offences  
relating to  
certified  
seed.

"[8C.] (1.) Any inspector or seed certification officer may refuse to affix or to permit the affixing of any seal, label, and (in any prescribed case) stencil prescribed by section 6H of this Act to go upon any package of seeds if he is not satisfied of the origin and identity of the whole of such seeds.

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(2.) No person shall, unless he is authorised by this Act, affix or attempt to affix to or upon any package of seeds any seal, label, or stencil prescribed by this Act for the purpose of certifying seeds or anything which purports to be or is a colourable imitation of any such seal, label or, as the case may be, stencil.

(3.) No person shall—

- (a) Affix or authorise or permit to be affixed to or upon any package of seeds for sale or which have been sold any label or stencil ; or
- (b) Issue or publish or authorise or permit to be issued or published any invoice, letter, circular, catalogue, advertisement, or other document or writing relating to any seeds for sale or which have been sold,

upon or in which is set out any statement or other matter directly or by implication contradicting, qualifying, or modifying—

- (i.) (In the case of any such label or stencil), any particulars or other matter required by this Act to be set out in such label or stencil or in any other label or stencil authorised by this Act to be affixed to or upon such package ; or
- (ii.) (In the case of any such invoice, letter, circular, catalogue, advertisement, or other document or writing), any particulars or other matter required by this Act to be set out in any label or stencil authorised by this Act to be affixed to or upon any package of such seeds.

(4.) No person shall sell any certified seed except in an unopened sealed package of a prescribed size, having affixed thereto the prescribed label and (in any prescribed case) the prescribed stencil and (in any prescribed case) containing the prescribed label.

(5.) No person shall sell as certified seed any seeds—

- (i.) Which are not authorised under this Act to be sealed and labelled as certified seed ; or
- (ii.) Which (being authorised under this Act to be sealed and labelled as certified seed) are not so sealed and labelled under and in accordance with this Act.”

New s. 17A.

**19.** The following section, numbered 17A, is inserted after section seventeen of the Principal Act, namely :—

Publication  
of list of  
certified  
seed  
growers.

“ [17A.] A list of growers of certified seed who have certified seed for sale may be compiled and published by the Committee from time to time.

Every such list shall show—

- (i.) The name and address of each grower included therein ; and
- (ii.) The hybrid, kind, variety, strain, and/or freedom from disease of the certified seed had by him for sale ; and
- (iii.) Such comments in relation to such seed as the Committee shall think necessary or desirable (which comments the Committee is hereby authorised to publish in such list).”

Amendment  
of s. 18 (1).

**20.** Subsection one of section eighteen of the Principal Act is amended as follows :—

(a) The words “ Prescribing the powers and duties of officers and ” are inserted before the words “ The manner ” in paragraph (q) thereof.

(b) The following paragraphs, lettered (q1), (q2), and (q3) are inserted therein after paragraph (q) thereof, namely :—

“ (q1) Prescribing powers and authorities of the Committee and/or of Sub-committees generally or any particular Sub-committee and regulating the meetings, business, and procedure of the Committee and/or of Sub-committees generally or any particular Sub-committee.

(q2) Prescribing forms under this Act and the purposes for which such forms shall be used, which forms may differ for seeds of different hybrids, kinds, varieties, strains, and/or freedom from disease.

(q3) The regulation and control of the planting or sowing, growing, and harvesting of crops for the purpose of producing certified seed, including the cultivation of the area upon which any such crop is grown, and either before or after planting or sowing, the

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cleaning or machine dressing or other treatment of seeds the produce of any such crop, and the cancelling of registrations of areas registered under this Act for the purposes of the production of certified seed.”

(c) The following paragraphs, lettered (t), (u), and (v) are inserted therein after paragraph (s), namely :—

“(t) Prescribing the nature, weight, and/or dimensions of packages used for packing seeds for planting or sowing which packages may differ in nature, weight, and/or dimensions for packages used for packing seeds of different hybrids, kinds, varieties, strains, and/or freedom from disease.

(u) Definitions of terms used in this Act including the modification of the definition of any term defined herein.

(v) Prescribing when an applicant for registration of an area for the purpose of producing certified seed shall serve a term of probation and the conditions upon which and the period for which such term of probation shall be served.”

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## AIR RAIDS.

*See WAR LEGISLATION*

## ALCOHOL.

*See LIQUOR.*

## APPROPRIATION ACTS.

*See CONSTITUTION.*

## ARBITRATION, INDUSTRIAL

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## ART UNIONS.

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## BAIL

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